



**City Commission Meeting
City Hall, Commission Chambers, 3rd Floor, 1700 Convention Center Drive
March 11, 2015**

Mayor Philip Levine
Vice-Mayor Jonah Wolfson
Commissioner Michael Grieco
Commissioner Joy Malakoff
Commissioner Micky Steinberg
Commissioner Edward L. Tobin
Commissioner Deede Weithorn

City Manager Jimmy L. Morales
City Attorney Raul J. Aguila
City Clerk Rafael E. Granado

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In order to ensure adequate public consideration, if necessary, the Mayor and City Commission may move any agenda item to an alternate meeting date. In addition, the Mayor and City Commission may, at their discretion, adjourn the Commission Meeting without reaching all agenda items.

Meeting called to order at 8:30 a.m.

9:00:47 a.m.

Invocation given by Father Roberto Cid of St. Patrick's Church.

CENTENNIAL MASS ANNOUNCEMENT

Father Cid announced that on March 25, 2015, the eve of the 100th Anniversary of Miami Beach, St. Patrick's Church will celebrate the solemnity of the Annunciation, according to the liturgical calendar of the Catholic Church, with great gusto; they have teamed up with FIU School of Music and FIU choir and orchestra and it is going to be a beautiful and joyous occasion. Everyone is invited to attend.

Pledge of Allegiance led by Borinquen Hall, Outreach Community Case Worker II.

ADDENDUM MATERIAL 1:

C4H

ADDENDUM MATERIAL 2:

R2A R9X R9Y

ADDENDUM MATERIAL 3:

C4I C4J

SUPPLEMENTAL MATERIAL 1:

C4G Attachments
C7A Memorandum & Resolution
C7S Memorandum & Resolution
R5G Ordinance
R7Q Memorandum & Resolution
R9G Memorandum
R9J Memorandum

SUPPLEMENTAL MATERIAL 2:

R5F Memorandum & Ordinance
R7R Revised Memorandum & Resolution

SUPPLEMENTAL MATERIAL 3:

C7T Memorandum & Form Letter

9:06:48 a.m.

Rafael E. Granado, City Clerk, announced items added, separated and withdrawn. He also noted a correction on item C6B, Page 219, the after-action for item #7: instead of "special events," it should read "entertainment" should take place only on private property.

ITEMS SEPARATED

C4F, C7B, C7S, C2B, C4H by Commissioner Grieco
C4H by Commissioner Malakoff
C4H by Commissioner Tobin
C4H, C7J, C7S and C6A by Commissioner Weithorn
C4C and C4H by Vice-Mayor Wolfson

ITEM DEFERRED:

R9K requested by Commissioner Weithorn.

Note: The meeting will recess for lunch at approximately 12:00 p.m.

ADDENDUMS**9:06:41 a.m.**

ACTION: Motion made by Commissioner Grieco to add item C4H, C4I, C4J, R2A, R9X and R9Y to the Commission Agenda; seconded by Commissioner Malakoff; Voice-vote: 7-0.

Presentations and Awards

Presentations and Awards will take place on March 18, 2015.

CONSENT AGENDA

9:07:24 a.m.

ACTION: Motion made by Commissioner Malakoff; seconded by Commissioner Tobin to approve the Consent Agenda except separated items; Voice-vote: 7-0.

C2 - Competitive Bid Reports

C2A Request For Approval To Issue Request For Qualifications (RFQ) No. 2015-127-JR For Architect & Engineering Services For The Middle Beach Recreational Corridor - Phase III Project.
(Environment & Sustainability/Procurement)

ACTION: Request awarded. **Elizabeth Wheaton and Alex Denis to handle.**

9:19:59 a.m.

C2B Request For Approval To Authorize The Issuance Of An Invitation To Negotiate (ITN) To Provide Wellness Services To The City Of Miami Beach Active Employees.
(Human Resources/Procurement)

ACTION: Request awarded as amended. Item separated by Commissioner Grieco. Motion made by Commissioner Grieco to approve the item as amended; seconded by Commissioner Malakoff; Voice-vote: 7-0. **Sylvia Crespo-Tabak and Alex Denis to handle.**

Amendment:

Provide at least three references for which wellness services have been provided to others in the public or private sector, each within a minimum of 1,900 employees.

Commissioner Grieco stated that he read over the ITN on this item, specifically where it relates to qualifications. There is an item regarding: "providing three references for wellness services that have been provided in the past." He would like that language amended to: "provide at least three references for which wellness services have been provided to others in the public or private sector each within a minimum of 1,900 employees." The City of Miami Beach has 1,900 employees. The current minimum requirements, as written, would allow a vendor who has provided such services to three companies with only 20 employees. The City needs a vendor that can handle almost 2,000 employees.

Sylvia Crespo-Tabak, Director of Human Resources, stated that the only feedback she has received from the Procurement Director was that he believes that is in the City's best interest to ask for a comparably sized organization rather than to use a specific number.

Commissioner Grieco agreed and stated that is why he asked for "approximately" 1,900 employees.

- C2C Request For Approval To Issue Request For Proposals (RFP) No. 2015-126-LR For Telecommunications Audit Services.
(Information Technology/Procurement)

ACTION: Request awarded. **Ariel Sosa and Alex Denis to handle.**

- C2D Request For Approval To Exercise Term Renewal Options On Contracts For Routine Operational Requirements.
(Procurement)

ACTION: Request awarded. **Alex Denis to handle.**

C4 - Commission Committee Assignments

- C4A Referral To The Neighborhood/Community Affairs Committee - A Discussion Regarding The Use Of The Barclay Plaza Apartments As A Possible Location For Workforce Housing.
(Housing & Community Services)

ACTION: Item referred. Vania Pedraja to place on the Committee Agenda. **Maria Ruiz to handle.**

- C4B Referral To The Planning Board – Proposed Amendment To Chapter 142 Of The City Code Modifying The Requirements For Indoor Pianos And String Instruments Within Indoor Restaurants In The C-PS2 District.

(Sponsored by Commissioner Michael Grieco)
(Legislative Tracking: Planning)

ACTION: Item referred. **Thomas Mooney to place on the Board Agenda and to handle.**

9:36:50 a.m.

- C4C Referral To The Finance And Citywide Projects Committee - A Discussion On The City's Agreement With Xerox State And Local Solutions For The Red Light Enforcement Program.
(Police)

ACTION: Item referred. Item separated by Vice-Mayor Wolfson. Motion made by Commissioner Weithorn; seconded by Vice-Mayor Wolfson to refer the item; Voice-vote: 6-1; Opposed: Commissioner Grieco. Patricia Walker to place on the Committee Agenda. **Chief of Police Daniel Oates to handle.**

RECOMMENDATIONS:

- Provide accident statistics (broken down by type of accident) for all intersections in the City with red light cameras. Statistics should list data before and after the installation of the cameras, for five years preceding the installation of the red light camera. Additionally, in the years since the installation of the red light cameras, how many collisions have occurred at said intersections?
- Provide financial impact of the red light camera program; how much money has been generated in fines and how much money has been spent on the program. **Chief Oates to handle.**

Vice-Mayor Wolfson asked clarification as to who was referring the item and why.

City Manager Morales stated that the contract is expiring, and rather than have staff unilaterally renew or terminate the contract, they thought it was a policy discussion for the City Commission to determine whether the contract should be continued, expanded, revised or terminated.

Vice-Mayor Wolfson suggested discussing at Finance Committee the intersections before and after the red light camera project started (pre and post five years); taking into consideration how many rear end collisions occurred. In the years since the installation, how many collisions occurred at intersection with red light cameras? Additionally, he requested to see how much money has been generated in fines, and how much has been spent on the program. This is a public safety program and its purpose is making the community safer.

Commissioner Malakoff added that 70% of the fines collected are now going to the State of Florida.

Commissioner Steinberg stated that she would like to have a report on not only the number of collisions in each intersection, but also what types of collisions have occurred.

Commissioner Weithorn stated that this program was approved by the City Commission as a public safety program, the financial aspects were agreed to be of little relevance to balance the budget. The City should look at the safety statistics of collisions before and after the red light camera program and ask whether drivers and pedestrians are safer.

Mayor Levine agreed with Commissioner Weithorn.

- C4D Referral To The Next Land Use And Development Committee And Planning Board Meeting - The Prohibition Of Bed And Breakfast Establishments In The Palmview Historic District.
(Requested by Commissioner Joy Malakoff)

ACTION: Item referred. **Thomas Mooney to place on the Committee and Board Agendas and to handle.**

- C4E Referral To The Sustainability And Resiliency Committee Regarding Policies For Maintaining The Alleys By Adjacent Businesses.
(Requested by Commissioner Michael Grieco)

ACTION: Item referred. **Elizabeth Wheaton to place on the Committee Agenda. Eric Carpenter to handle.**

9:18:54 a.m.

- C4F Referral To The Neighborhood/Community Affairs Committee Regarding The Future Use Of LED Illuminated Lights At Key Crosswalks.
(Requested by Commissioner Michael Grieco)

ACTION: Item referred. Item separated by Commissioner Grieco. Motion made by Commissioner Grieco to refer to Neighborhood/Community Affairs Committee; seconded by Commissioner Steinberg; Voice-vote: 7-0. Vania Pedraja to place on the Committee Agenda. **Jose Gonzalez to handle.**

Commissioner Grieco stated he has been working closely with Kathie G. Brooks, Assistant City Manager, and Jose Gonzalez, Transportation Director, as pedestrian safety is a big issue, and he receives correspondence regarding it on a weekly basis. He is interested in doing a pilot program within the City where there will be certain crosswalks similar to the ones currently used at the airport that use several lights to alert drivers there is a pedestrian crossing the street. These crosswalks would be in key locations in the City that do not have traffic signals. He wanted to inform the City Commission of the developing idea, which will be referred to the Neighborhood/Community Affairs Committee, and will be brought back to the Commission Agenda on April 15, 2015.

SUPPLEMENTAL MATERIAL 1 - ATTACHMENTS

C4G Referral To Sustainability And Resiliency Committee - Discussion Regarding The "Woosh" Smart Water Stations Network Proposal.

(Requested by Commissioner Michael Grieco)

ACTION: Item referred. **Elizabeth Wheaton to place on the Committee Agenda. Eric Carpenter to handle.**

9:21:32 a.m.

ADDENDUM MATERIAL 1:

C4H Referral To The Planning Board And Planning Staff To Revise The Definition And Proposed Uses Of Hospital Districts In The Zoning Code Of The City Of Miami Beach.

(Requested by Commissioner Joy Malakoff)

ACTION: Discussion held. No action taken. Item separated by Vice-Mayor Wolfson and Commissioners Grieco, Malakoff, Tobin and Weithorn.

Commissioner Malakoff stated that this item is a referral to the Planning Board regarding the Hospital District. The main concern from South Beach residents, who live close to the property where the proposed Medical Offices and Diagnostics and Urgent Care Center will be built, is that they do not want it to become a hospital. The residents do not want severe traffic impacts, ambulances constantly driving to the facility, or overnight stays as a hospital would have. She has met with representatives from Baptist Hospital, some of whom are present and will speak to the City Commission to affirm on the record that there will be no emergency rooms as currently defined by Florida Statutes, nor will there be overnight stays.

Vice-Mayor Wolfson stated that he prefers the City Commission not legislate on an issue such as this one, which has been agreed upon with all parties involved, given that the use will not be one that negatively affects residents. He believes that the representatives from Baptist Health will assure the City Commission that the residents of that area of South Beach will be protected.

Commissioner Tobin commended Commissioner Malakoff for resolving the concerns some residents of the alley on Alton Road had regarding the proposed Health Facility.

Mitchell Bierman, representing Baptist Health South Florida, introduced his team to the City Commission, and stated that the planned Health Facility for Alton Road will not have an emergency room as currently defined under Florida Law. The medical office hours will be from 6 AM until 7 PM, the urgent care center will be open from 11 AM until 11 PM, and there will not be any overnight stays, which distinguishes it from a hospital. He thanked the City Commission for considering amending its City Code regarding hospital Districts.

Discussion held.

Frank del Vecchio, Miami Beach Resident, stated that he believes the principal concern of the Neighborhood Associations is the Health Facility's impact on the area, especially regarding traffic. He asked the City Commission whether the pending action before the Planning Board to approve the conditional use permit would have the hospital proffer as a covenant to that Planning Board's pending action.

Commissioner Malakoff stated that they had agreed that they would.

Commissioner Grieco stated that he is concerned that the City Commission is discussing this item too much. This is the second time this matter has been before them. He stated that this item should be discussed in detail at the Land Use Board to insulate the politics of such a decision. He believes the City Commission should move on from this topic.

Commissioner Weithorn and other City Commissioners expressed their agreement with Commissioner Grieco.

No action taken.

ADDENDUM MATERIALS 3:

C4I Referral To The Land Use And Development Committee To Discuss Amending The Land Development Regulations To Permit The Outdoor/Indoor Storage/Parking Of Rental Agency Vehicles In The TC-1 Zoning District.

(Requested by Vice-Mayor Jonah Wolfson)

ACTION: Item referred. **Thomas Mooney to place on the Committee Agenda and to handle.**

ADDENDUM MATERIAL 3:

C4J Re-Referral To The Finance And Citywide Projects Committee To Discuss The Issuance Of A Solicitation For The Placement Of ATM Machines On City Owned Property (i.e. City-Owned Parking Garages, etc.)

(Requested by Vice-Mayor Jonah Wolfson)

ACTION: Item referred. Patricia Walker to place on the Committee Agenda. **Max Sklar to handle.**

C6 - Commission Committee Reports**9:34:52 a.m.**

C6A Report Of The February 2, 2015 Finance And Citywide Projects Committee Meeting: **1.** Discussion Regarding The Greater Miami Convention And Visitors Bureau Interlocal Agreement. **2.** Discussion Regarding The Miami Beach Convention Center Booking Policy. **3.** Discussion Regarding The Management Agreement With SP Plus Municipal Services, A Division Of Standard Parking Corporation, For Parking Attendants, Specifically: (1) Not Exercising The City's Option To Renew The Agreement; (2) Extending The Agreement On A Month-To-Month Basis; And (3) Issuing A New RFP For Parking Attendants For The City's Parking Garages. **4.** Discussion Regarding The Renewal Of The City Manager Jimmy Morales's Employment Contract. **5.** Discussion Regarding The Live Nation Management Agreement For The Jackie Gleason Theater. **6.** Discussion Regarding The Possible Addition Of Personal Watercrafts To Our Police Department's Fleet. **7.** Discussion Regarding A Public Private Partnership For A Two-Story Parking Structure To Be Erected Over Both City Parking Lot P62 And A Private Parking Lot, On 42nd Street, Between Jefferson Street And Meridian Avenue. **8.** Discussion Regarding A Retail Lease Agreement Between The Miami Beach Redevelopment Agency (RDA) And ArtConnection International, Inc. For Suite # 6 In The Anchor Shops Located At 100 16th, Miami Beach, Florida 33139. **9.** Discussion Regarding Crowe Horwarth Performance And Operational Audit Report, Finding PCI - 03 Concurrency Fee Policies And Procedures. **10.** Discussion Regarding First Class Parking Valet Parking Concession Agreement. **11.** Referral To The February 2, 2014 Finance And Citywide Projects Committee To Discuss Implementing A Contractor Prequalification Program In An Effort To Expedite Infrastructure Improvements. **12.** Discussion Regarding Changes To The Resort Tax Quality Of Life Funding Allocations. **13.** Discussion Regarding Vacation Of Liberty Avenue (Palm Avenue) Between 22nd Street (Ocean Avenue) And 23rd Street (Atlantic Avenue). **14.** Discussion Regarding The Requirement For City Contractors To Provide Equal Benefits For Domestic Partners. **15.** Discussion On Repurposing The Citywide Public Access Wi-Fi System For Police Equipment Connectivity - Fiscal Year 2014-2015 In Accordance With The Options Pursuant To LTC 272-2014. **16.** Discussion Regarding A Resolution Authorizing The City Manager To Exercise The Sole Renewal Option For A Term Of Six (6) Months, Commencing January 31, 2015 And Ending July 31, 2015, Pursuant To The Agreement Between The City And Limousines Of South Florida, Inc., Dated January 31, 2014, For The Maintenance And Operation Of A City Of Miami Beach Trolley Systems For Municipal Circulator Services. **17.** Discussion Regarding Issuing An RFP For Parking Attendants For The City's Parking Garages With The Term Agreement Commencing On August 16, 2015, The Day Following The Expiration Of The City's Agreement With SP Plus Municipal Services (Contract No.: RFP 17-10/11). **18.** Discussion And Referral To Land Use And Development Committee And Finance And Citywide Projects Committee Regarding Completion Of The Central Bayshore Area Storm Water And Roadways Construction. **19.** Discuss Regarding The Issuance Of Bonds To Finance The Miami Beach Convention Center Project And For Additional Stormwater Revenue Bonds.

ACTION: Commissioner Weithorn separated the item to discuss the parking automatic payment/revenue control system. This item was heard with item **R7I** at 11:33:13 a.m. Report approved by acclamation at 3:38:59 p.m.

1. Greater Miami Convention And Visitors Bureau Interlocal Agreement.

The Committee recommended that the Greater Miami Convention and Visitors Bureau bring back a report or presentation to the Finance Committee as to how they promote Miami Beach.

2. Miami Beach Convention Center Booking Policy.

The Committee recommended bringing this item back to the Finance Committee after Administration has had a chance to do outreach to the Convention Center clients and provide more information before this item is sent to Commission.

3. Management Agreement With SP Plus Municipal Services

The Committee recommended not renewing the option and sending the item to the April Commission meeting. An RFP will be issued and the contract awarded in July.

4. Renewal of The City Manager Jimmy Morales's Employment Contract.

Item deferred.

5. Live Nation Management Agreement For The Jackie Gleason Theater.

The Committee instructed staff bring this item back showing the potential credits/refunds with the Required City Distribution.

6. Possible Addition Of Personal Watercrafts To Our Police Department's Fleet.

The Committee recommended not moving forward with this item.

7. Public Private Partnership For A Two-Story Parking Structure Over Both City Parking Lot.

Item deferred.

8. Retail Lease Agreement Between Miami Beach Redevelopment Agency (RDA) And ArtConnection International, Inc.

The Committee recommended a lease term of 9 years that is reassessed at the 5-year mark where the rent would be moved to the prevailing fair market rent rate for the remaining 4 years and 354 days.

City Clerk's Note: See Action with item RDA 1A.

9. Crowe Horwarth Performance And Operational Audit Report.

The Committee recommended retaining a qualified consultant to review the current concurrency program and issue a recommendation regarding an alternative mobility fee plan to the Commission in March.

10. First Class Parking Valet Parking Concession Agreement.

The Committee recommended a waiver of competitive bidding to award the current provider a concession agreement with a term of three (3) years or substantial completion of the MBCG renovation project, whichever occurs first.

11. Referral To February 2, 2014 Finance & Citywide Projects Committee Contractor Prequalification Program.

Item deferred.

12. Changes To Resort Tax Quality Of Life Funding Allocations.

The Committee recommended changing the funding allocation of the Resort Tax Quality of Life Funds as follows:

	Proposed %	Proposed Change to Funding by Allocation
North Beach - Capital	15%	1,843,275.00
Mid Beach - Capital	15%	1,843,275.00
South Beach - Capital	15%	1,843,275.00
Arts	15%	1,843,275.00
Transportation	40%	4,915,400.00
	100%	12,288,500.00

13. Vacation Of Liberty Avenue.

The Committee recommended moving forward with the Vacation of Liberty Avenue (Palm Avenue) between 22nd Street (Ocean Avenue) and 23rd Street (Atlantic Avenue).

City Clerk's Note: See Action with Item R7B.

14. Discussion Regarding Requirement For City Contractors To Provide Equal Benefits For Domestic Partners.

Item deferred.

15. Repurposing Citywide Public Access Wi-Fi System For Police Equipment Connectivity.

The Committee recommended moving forward with the repurposing of the Wi-Fi system.

16. Resolution Authorizing City Manager To Exercise Sole Renewal Option Pursuant To Agreement With Limousines Of South Florida.

The Committee recommended no action and that the City's Transportation Department meet with Miami Dade County to evaluate the feasibility of alternate routes and schedules for a municipal circular service, which can enhance mobility within the target area while minimizing duplication of existing transit service.

17. RFP For Parking Attendants For The City's Parking Garages.

The Committee recommended not renewing the option and sending the item to the April Commission meeting. An RFP will be issued and the contract awarded in July.

18. Refer to Land Use And Development Committee & Finance And Citywide Projects Committee Completion Of Central Bayshore Area Storm Water & Roadways Construction.

The Committee recommended starting the bid process over with the updated Design Criteria and design-builder selection criteria.

19. Issuance Of Bonds To Finance The Miami Beach Convention Center Project & For Additional Stormwater Revenue Bonds.

Item deferred.

C6B Report Of The February 18, 2015 Land Use And Development Committee Meeting: **1.** Discussion On Washington Avenue Overlay Districts **2.** Discussion On Possible Amendments To Chapter 6 And Chapter 142 Of The City Code. **3.** Discussion On The Collins Canal Project **4.** Discussion Regarding The Concession Contract With RCI Group, The Management Company Of Miami Beach Marina. **5.** Discussion Regarding Zoning In Progress. **6.** Discussion Regarding Seawall Height Standards And Its Impact On Single Family Home Development. **7.** Discuss The Modification Of Special Event Permit Criteria On Ocean Drive Between 9th And 12th Streets. **8.** Discussion Regarding Charging Stations For Plug-In Vehicles. **9.** Referral To The Planning Board And Land Use And Development Committee Of A Companion Item To The Parking Plan For Construction Workers Ordinance. **10.** Discussion Of Proposed Amendments To The City Code Pertaining To Additional Restrictions And An Increase In Fees For Single Family Lot Split Applications. **11.** Discussion Regarding Seawall Conditions, Encroachments Into Public Property For Private Use. **12.** Discussion Regarding An Ordinance Amendment To Chapter 142, Relating To Proposed Definition For Entertainment.

ACTION:

Rafael E. Granado, City Clerk, read a correction to C6B, page 19, Item 7, instead of listing Special Events, it should be substituted with entertainment.

1. Washington Avenue Overlay Districts

MOTION: Continued to April 2015 LUDC by acclamation.

2. Possible Amendments To Chapter 6 And Chapter 142 Of The City Code.

MOTION: Continued to March 3, 2015 by acclamation.

3. Collins Canal Project

MOTION: ET/JM (3-0)

Motion to proceed with the landscaping as discussed and continued the item to April 2015 LUDC.

4. Concession Contract With RCI Group, The Management Company Of Miami Beach Marina.

AFTER ACTION:

No further action was taken by the Committee.

5. Zoning In Progress.

MOTION: Continued to March 3, 2015 by acclamation.

6. Seawall Height Standards And Its Impact On Single Family Home Development.

AFTER ACTION:

No further action was taken by the Committee.

7. Modification Of Special Event Permit Criteria On Ocean Drive Between 9th And 12th Streets.

AFTER ACTION:

No further action was taken by the committee.

8. Charging Stations For Plug-In Vehicles.

MOTION: Continued to March 3, 2015 by Acclamation

9. Referral To Planning Board & Land Use And Development Committee Of A Companion Item To The Parking Plan For Construction Workers Ordinance.

MOTION: ET/JM (2-0)

Recommendation that the Planning Board endorse the item.

10. Proposed Amendments To City Code Pertaining To Additional Restrictions & An Increase In Fees For Single Family Lot Split Applications.

MOTION: Continued to April 29, 2015 by acclamation.

11. Seawall Conditions, Encroachments Into Public Property For Private Use.

MOTION: Continued to March 3, 2015 by acclamation.

12. Ordinance Amendment To Chapter 142, Relating To Proposed Definition For Entertainment.

MOTION: ET/JM (2-0)

Motion to recommend that the City Commission refer the item to the Planning Board as amended.

C6C Report Of The February 27, 2015 Neighborhood/Community Affairs Committee Meeting: **1)** Report From Miami-Dade County Public Schools On The Status Of The Action Plan Related To Nautilus Middle School And Progress To Date. **2)** Discussion Regarding Artist And Non-Profit Vendor Ordinances. **3)** Discussion Regarding Adding Pride/Rainbow Colors To The Street Signs From 10th To 12th Streets On Washington/Collins/Ocean, As Per The Recommendation Of The LGBT Business Enhancement Committee. **4)** Discussion Regarding An Update On The Plans For The Par 3 Park. **5)** Discussion Regarding Potential Solutions At The Intersection Of 17th Street And Alton Road. **6)** Discussion Regarding Art On The Beach. **7)** Discussion Regarding The Conceptual Ideas Relating To Monument Island. **8)** Discussion Regarding Modification To The Code Relating To Seawalls, In Particular, To Allow Enforcement In Multifamily Districts, Not Just Single Family. **9)** Discussion Regarding The Status Of City Funds Given To The Wolfsonian-FIU Museum. **10)** Discussion Regarding Administration's Exploration Of xG Technology Inc. **11)** Discussion Regarding The Lack Of Available Public Parking At 46th And Collins Avenue. **12)** Discussion Regarding Status Of Beach Chair Lock Boxes For Valuables. **13)** Monthly Crime Statistics Report.

ACTION:

1) Report From Miami-Dade County Public Schools On The Status Of The Action Plan Related To Nautilus Middle School And Progress To Date.

No action taken.

2) Artist And Non-Profit Vendor Ordinances.

DIRECTION: By Commissioner Tobin to have this item brought back in May once the Planning Department and the Office of the City Attorney meet and restructure the Ordinance.

3) Adding Pride/Rainbow Colors To The Street Signs From 10th To 12th Streets On Washington/Collins/Ocean.

NO ACTION TAKEN.

4) Update On The Plans For The Par 3 Park.

DIRECTION: by Commissioner Tobin to have Administration send out an LTC stated what is being done in conjunction with DERM about the polluted fill at Par 3. In addition to sending the LTC to the Commissioner, have the LTC sent to also the Homeowner Associations in the area.

5) Potential Solutions At The Intersection Of 17th Street And Alton Road.

NO ACTION TAKEN.

6) Art On The Beach.

MOTION: by Commissioner Tobin to not move forward with this item.

Seconded by Commissioner Grieco.

Members of public addressed the Committee.

7) Conceptual Ideas Relating To Monument Island.

DIRECTION: by Commissioner Tobin to have the Parks Department budget what it would take to keep the island clean and safe.

8) Modification To The Code Relating To Seawalls, To Allow Enforcement In Multifamily Districts, Not Just Single Family.

MOTION: by Commissioner Grieco to have this item move to Commission with positive recommendation.

Seconded by Commissioner Tobin.

9) Status Of City Funds Given To The Wolfsonian-FIU Museum.

DIRECTION: by Commissioner Tobin to have the Wolfsonian come back to the Neighborhood/Community Affairs Committee meeting in April.

10) Administration's Exploration Of xG Technology Inc.

DIRECTION: By Commissioner Tobin to have Administration facilitate xG Technology representatives meet with individual Commissioner to further discuss the system they are proposing and have the item brought back to the Neighborhood/Community Affairs Committee once they have met with all interested Commissioners.

11) Lack Of Available Public Parking At 46th And Collins Avenue.

DIRECTION: by Commissioner Tobin to defer this item to the March meeting.

12) Status Of Beach Chair Lock Boxes For Valuables.

DIRECTION: by Commissioner Tobin to have this item brought back in March with a proposal.

13) Monthly Crime Statistics Report.

NO ACTION TAKEN.

- C6D Report Of The February 18, 2015 Sustainability And Resiliency Committee Meeting: **1)** Mayor's Blue Ribbon Panel On Flooding And Sea Rise Update. **2)** Sustainability Committee Update. **3)** Referral To Consider Alternative Trash Receptacles In High-Traffic Areas. **4)** Referral Regarding Use Of Benches And Other Outdoor Furniture Created From Recycled Materials. **5)** Referral Regarding Sanitation Street Teams, Schedules And Overall Approach To Street Litter Collection. **6)** Referral Regarding Storm Drain Grates And Litter Accumulation In The Stormwater System.

ACTION:

1) Mayor's Blue Ribbon Panel On Flooding And Sea Rise Update.

MOTION: NO ACTION TAKEN.

2) Sustainability Committee Update.

MOTION: NO ACTION TAKEN.

3) Referral To Consider Alternative Trash Receptacles In High-Traffic Areas.

MOTION: Commissioner Grieco deferred the item to the March 25, 2015, SRC meeting and requests an open forum for public and private entities to present different receptacle options.

4) Referral - Use Of Benches And Other Outdoor Furniture Created From Recycled Materials.

MOTION: NO ACTION TAKEN.

5) Referral - Sanitation Street Teams, Schedules And Overall Approach To Street Litter Collection.

MOTION: NO ACTION TAKEN.

6) Referral Regarding Storm Drain Grates And Litter Accumulation In The Stormwater System.

MOTION: NO ACTION TAKEN.

C7 - Resolutions

SUPPLEMENTAL MATERIAL 1 – MEMORANDUM & RESOLUTION:

C7A A Resolution Approving And Authorizing The City Manager Or His Designee To Take The Following Actions: 1) Submit A Grant Application To Florida Department Of Transportation For The Transportation Alternatives Program, In The Approximate Amount Of \$1 Million, For The Beachwalk II Project; And Retroactive Approval Of The Following Actions: 2) Submittal Of A Grant Application To Firehouse Subs, In The Approximate Amount Of \$20,000, For Emergency Management Equipment; 3) Submittal Of A Grant Application To The Us Department Of Justice, Smart Policing Initiative Grant, In The Approximate Amount Of \$700,000; 4) Submittal Of A Grant Application To Florida Department Of Transportation, For The Police Department's Highway Safety Program, In The Approximate Amount Of \$374,000; 5) Submittal Of A Grant Application To The Florida Office Of The Attorney General, In The Approximate Amount Of \$100,000, For Victim Of Crime Act The Florida (VOCA) Funding; And, 6) Submittal Of Fiscal Year 2015/16 Budget Issue Requests To The State Legislature; Approving And Authorizing The Appropriation Of The Above Grants And Funding Requests, Including Any Requisite Matching Funds And City Expenses; And Further Authorizing The City Manager, Or His Designee, To Take All Necessary Steps And To Execute All Necessary Documents In Connection With The Aforestated Grants And Funding Requests, Including, Without Limitation, Applications, Grant And Funding Agreements, And Audits.
(Budget & Performance Improvement)

ACTION: Resolution 2015-28928 adopted. Patricia Walker to appropriate the funds if approved and accepted. **Judy Hoanshelt to handle.**

9:29:11 a.m.

C7B A Resolution Approving, In Substantial Form, The Attached Agreement Between The City And The President And Fellows Of Harvard College For A Two-Year Sponsored Studio, In The Amount Of \$99,998, Payable Over Two Years, To Study The Impacts Of And Potential Responses To Sea Level Rise For Coastal Communities In South Florida, Subject To Legal Review And Form Approval Of The Final Agreement By The Office of the City Attorney.
(Budget & Performance Improvement)

ACTION: Resolution 2015-28929 adopted. Item separated by Commissioner Grieco. Motion made by Commissioner Grieco; seconded by Commissioner Malakoff; Voice vote: 7-0. **Elizabeth Wheaton and Judy Hoanshelt to handle.**

Commissioner Grieco stated that he wants City staffers to work with university researchers throughout the length of all future projects approved by the City. He reminded the City Commission that the study done in collaboration with FIU regarding sea level rise, did not have City staffers continually assisting FIU researchers, and it led to inaccurate and unexpected results.

Mayor Levine stated that he met with Harvard's program manager, who told him that the study would not necessarily be a forecast, but rather about ideas for architecture and landscaping involving sea level rise.

City Manager Morales stated that the City has been working and researching hard infrastructure. This study would involve green infrastructure and planning to make suggestions.

- C7C A Resolution Authorizing The City Manager To Negotiate And Execute An Agreement With International Baccalaureate ("IB") Organization For Professional Development District Workshop Supporting The Miami Beach International Baccalaureate Primary Year Programs, Middle Year Programs, And Diploma Program.
(Organizational Development Performance Initiatives)

ACTION: Resolution 2015-28930 adopted. Dr. Leslie Rosenfeld to handle.

- C7D A Resolution Authorizing The City Manager To Approve And Execute Supplemental Work Orders With BDI Construction For Additional Scope Associated With The Scott Rakow Youth Center Ice Rink Utilizing The Existing National Joint Powers Alliance (NJPA) Contract In The Not To Exceed Amount Of \$16,379.09 With Previously Appropriated Funding.
(Capital Improvement Projects)

ACTION: Resolution 2015-28931 adopted. David Martinez to handle.

- C7E Appointment Of Chief Special Master
- A Resolution Accepting The Recommendation Of The City Manager, Pursuant To Section 30-36 Of The Code Of The City Of Miami Beach, Concerning The Appointment Of Enrique Zamora, Esq., To Serve As Chief Special Master, For A Term Commencing On April 24, 2015 And Ending On October 23, 2015; Provided Further That Chief Special Master Zamora Shall Be Authorized To Hold Hearings And Impose Fines, Liens And Other Non-Criminal Penalties Against Violators Of The City And County Codes And Ordinances, And Shall Also Be Authorized To Appoint Such Other Special Masters As May Reasonably Be Required To Conduct The Subject Hearings; And Further Incorporating All Other Matters Set Forth Within Chapter 30 Of The City Code, Including, Without Limitation, Sections 30-37 And 30-38 Thereof, Concerning The Compensation And Duties Of The Chief Special Master.

ACTION: Resolution 2015-28932 adopted. Rafael E. Granado to handle.

2. A Resolution Approving And Appointing, Pursuant To Section 102-356 Of The City Code, Enrique Zamora, Esq. (Chief Special Master Appointed Pursuant To Resolution No. 2015-28932 As The City Manager's "Designee" Under Section 102-356 Of The City Code; Said Designation Commencing With Mr. Zamora's Term As Chief Special Master On April 24, 2015 And Ending On October 23, 2015.
(Office of the City Clerk)

ACTION: Resolution 2015-28933 adopted. Rafael E. Granado to handle.

- C7F A Resolution Approving And Authorizing The City Manager To Issue A Certification Of Consistency With The City's FY 2013-2017 Consolidated Plan To The Housing Authority Of The City Of Miami Beach (HACMB) For Its Annual Plan For Fiscal Year 2015, To Be Submitted By HACMB To The U.S. Department Of Housing And Urban Development (HUD); And Further Authorizing The City Manager To Administratively Approve And Issue Certifications Of Consistency For Projects Which Comply With The City's Consolidated Plan.

(Housing & Community Services)

ACTION: Resolution 2015-28934 adopted. Maria Ruiz to handle.

- C7G A Resolution Authorizing The City Manager And The City Clerk To Execute A Voluntary Cooperation And Operational Assistance Mutual Aid Agreement With The Town Of Golden Beach, Florida, For The Purpose Of Coordinating Law Enforcement Planning, Operations, And Mutual Aid Benefit Between The City Of Miami Beach And The Town Of Golden Beach, Florida.

(Police)

ACTION: Resolution 2015-28935 adopted. Chief Oates to handle.

- C7H A Resolution Waiving Space Rental Charges In The Amount Of \$4,250 At The Colony Theatre For The Miami Gay And Lesbian Film Festival A Non Profit 501(c)(3) Organization Taking Place April 24 - May 2, 2015.

(Requested by Mayor Philip Levine)

(Legislative Tracking: Tourism, Cultural & Economic Development)

ACTION: Resolution 2015-28936 adopted. Max Sklar to handle.

- C7I A Resolution Accepting The Recommendation Of The City Manager Pertaining To The Short-Listing Of Proposals With Respect To Phase I Of The RFP Selection Process, Pursuant To Request For Proposals (RFP) No. 2014-253-YG, For Design Build Services For 54" Redundant Sewer Force Main.

(Public Works/Procurement)

ACTION: Resolution 2015-28937 adopted. Eric Carpenter and Alex Dennis to handle.

9:30:28 a.m.

- C7J A Resolution Setting A Public Hearing, As Required Pursuant To Section 82-93 Of The City Code, To Consider Granting A Revocable Permit To Centurian Collins Property Owner, LLC (The Applicant), For The Aloft Hotel, Located At 2360 Collins Avenue (The Building), To Allow A Decorative, Triangular-Shaped Concrete "Canopy" With Two Support Columns And Concrete "Eyebrows" To Extend 19.71 Feet At The North And 2.79 Feet At The South Into The Public Right-Of-Way Of Liberty Avenue, Along 101.7 Feet Of The Building, And A Minimum Of Eleven Feet One Inch (11' 1") Above Ground Level, And An Irrigation Meter And Vent Pipe For A Drainage Well Located At Ground Level North Of The Canopy, All Encroachments Along 112.75 Feet Of The Building With A Total Area Of 910 Square Feet.
(Public Works)

ACTION: Resolution 2015-28938 adopted. Item separated by Commissioner Weithorn. Motion made by Commissioner Weithorn; seconded by Vice-Mayor Wolfson; Voice vote: 7-0. Public Hearing scheduled for April 15, 2015. Rafael E. Granado to notice. Lilia Cardillo to place on the Commission Agenda. **Eric Carpenter to handle.**

Commissioner Weithorn introduced the item and stated that the City is still having unresolved issues on this matter.

Eric Carpenter, Public Works Director, stated that staff has been working with the applicant on many items, including the streetscape improvements on Liberty Avenue. As far as he is concerned, there were two outstanding items. The first was encroachment, which potentially created an issue with the City being unable to get to the seawall, but the applicant has now agreed to make repairs for the seawall.

Commissioner Weithorn stated, for the record, that the seawall will be done at the applicant's cost, and the only remaining issue is the vent pipe associated with the draining system.

Eric Carpenter, Public Works Director, explained that this vent pipe is encroaching into the right-of-way; they went through discussion on the site regarding other utility and the need for a pump station; they are working out the details and hope to have results by next month.

Discussion held.

- C7K A Resolution Urging The Governor And Legislature Of The State Of Florida To Pass House Bill 451 And Senate Bill 1046, Enhancing The Florida Film & Entertainment Industry Financial Incentive Program With Additional Tax Credits.
(Tourism, Cultural & Economic Development)

ACTION: Resolution 2015-28939 adopted. Max Sklar to handle.

- C7L A Resolution Retroactively Approving And Authorizing The Acceptance Of Exercise Equipment Donated By 420 Lincoln Road, LLC. To The City's Fire Department, With A Total Estimated Value Of \$38,250.
(Tourism, Cultural & Economic Development)

ACTION: Resolution 2015-28940 adopted. Max Sklar to handle.

- C7M A Resolution Amending The Approved 2015 List Of Organizations And/Or Groups Eligible To Receive Complimentary Tickets As Per The City's Complimentary Ticket Policy Adopted Pursuant To Resolution No. 2014-28638, Adding Douglas Gardens Community Mental Health Center.
(Tourism, Cultural & Economic Development)

ACTION: Resolution 2015-28941 adopted. Max Sklar to handle.

- C7N A Resolution Approving And Authorizing The Mayor And City Clerk To Execute The Amendment No. 1 To Lease Agreement Between The City And Miami Beach Film Society, Inc. D/B/A Miami Beach Cinematheque, Dated December 9, 2009, For The Use Of Approximately 2,523 Square Feet Of City-Owned Property, Located At 1130 Washington Avenue, First Floor South, Miami Beach, Florida (Premises); Said Amendment Allowing For Alcohol Sales For Consumption At The Premises, As Permitted Under Resolution No. 2014-28790; And Further Providing For The Prohibition Of The Sale Or Use Of Expanded Polystyrene Food Service Articles At The Premises.
(Tourism, Cultural & Economic Development)

ACTION: Resolution 2015-28942 adopted. Max Sklar to handle.

- C7O A Resolution Accepting The Recommendation Of The Finance And Citywide Projects Committee, And The City Manager, And Approving By 5/7th Vote, A Waiver Of The Competitive Bidding Requirement, Finding Such Waiver To Be In The Best Interest Of The City; Authorizing The City Administration To Negotiate An Extension Of The Concession Agreement With First Class Parking For Valet Parking Services, For A Three (3) Year Period Or Substantial Completion Of The Miami Beach Convention Center Renovation And Expansion Project, Whichever Occurs First.
(Parking)

ACTION: Resolution 2015-28943 adopted. Saul Frances to handle.

- C7P A Resolution Accepting A Donation In The Amount Of \$10,000.00 From The Miami Beach Education Foundation Inc., From Proceeds Of The Miami Beach Chamber Of Commerce's Annual Golf Tournament, To Be Utilized By The City Of Miami Beach's International Baccalaureate ("IB") Educational Program, And Appropriating The \$10,000.00 Donation To The City's IB Program.
(Organization Development Performance Initiatives)

ACTION: Resolution 2015-28944 adopted. Dr. Leslie Rosenfeld to handle.

- C7Q A Resolution Amending Resolution No. 2014-28485, Which Authorized, Pursuant To Section 2-367(e) Of The Miami Beach City Code, The Waiving Of The Competitive Bid Requirements, By A 5/7th Vote, For The Continuation Of Leases For The Modular Buildings Currently Housing The City's Property Management Division, To Extend Said Leases On A Month-To-Month Basis Until Such Time As The Relocation Of The Property Management Division Is Finalized Upon Completion Of Its New Facilities.
(Public Works/Procurement)

ACTION: Resolution 2015-28945 adopted. Eric Carpenter and Alex Denis to handle.

- C7R A Resolution Approving And Authorizing Additional Funding To The Existing Joint Participation Agreement (JPA) Between The City And The Florida Department Of Transportation (FDOT), In The Amount Of \$500,000, For Utility Work To Include: Construction Of Water, Sewer And Stormwater Drainage Improvements Within The Project Area, As Part Of The State Road 907/Alton Road Project, From 5th Street To Michigan Avenue.
(Public Works)

ACTION: Resolution 2015-28946 adopted. Eric Carpenter to handle.

9:07:48 AM

SUPPLEMENTAL MATERIAL 1 – MEMORANDUM & RESOLUTION:

- C7S A Resolution Transferring The Oversight And Management Of The City's Legislative Priorities Concerning County, State, And Federal Legislation And Governmental Affairs From The Office of the City Manager To The Office Of The Mayor And City Commission, With A Designee To Be Appointed By The Mayor.

(Sponsored by Mayor Philip Levine)
(Legislative Tracking: Office of the City Attorney)

ACTION: Resolution 2015-28947 adopted. Item separated by Commissioners Grieco and Weithorn. Motion made by Commissioner Grieco to adopt the Resolution; seconded by Vice-Mayor Wolfson; Voice-vote: 7-0. **Office of the City Attorney to handle.**

Commissioner Grieco stated that he separated the item because historically the liaison to the County and State Legislative lobbyists had rested with the Office of the City Manager. The Mayor placed this item in an effort to have his Chief of Staff, and the Mayor and Commissioner's Office involved when it comes to the Legislative agendas. He has concerns regarding the Sunshine Law, which could affect the Commissioners ability to communicate with the Mayor's Chief of Staff and/or other Commissioners. He had Raul J. Aguila, City Attorney, research the issue and a Letter to the Commission was generated, determining that there would not be an issue with the Sunshine Law, so long as the Chief of Staff is not used as an intermediary amongst the Mayor and Commissioners. (See LTC [102-2015](#))

Raul J. Aguila, City Attorney, distributed the Letter to Commission sent on March 9, 2015. The concern raised by Commissioner Grieco, is whether transferring the oversight of the City's Legislative priorities, which would also include overseeing the City's current contract with its State and Federal Legislative consultants, would pose any Sunshine law issues. In his memorandum, City Attorney Aguila outlined formalities that should be observed, and he qualified that these formalities would be observed whether the contract was overseen by a member of the Office of the City Attorney, the Office of the City Manager or the Mayor's Office. The intent of the Resolution is to transfer the oversight to the Mayor and City Commissioner's Office, not specifically to the Office of the Mayor. The Sunshine Law is very clear that when there is an interaction between City Commission members and nonmembers, such as the designated appointee, the appointee would be able to communicate with a City Commission member on a one-to-one basis. What must be avoided is any communication or interaction where one or more members of the City Commission are using the liaison as a go between to discuss opinions on a particular legislation or to transmit concerns. That must be done in a public meeting. With regards to procedures, the Legislative priorities are set and adopted by the City Commission by Resolution. The legislature meets and at times actions are quickly taken. As the City's representative, this individual would be also responsible for informing the City of the status of House or Senate Bills, or Federal and County legislation that would affect the City. If this Resolution passes, Commissioner Weithorn has requested to add a friendly amendment that the representative, who is now assuming the role of

Legislative Priorities in the Mayor's Office, also has some discretion to meet with Commissioners on Legislative priorities that may not be identified by the City and the Resolution.

Mayor Levine stated that this Resolution would allow any member of the City Commission to speak directly with lobbyists and/or State Representatives in Tallahassee to push their agenda forward, and not necessarily concentrate any power in one individual person.

Commissioner Weithorn offered a friendly amendment. She explained that in the past the Florida Department of Revenue wanted to take a share or all of the Parking Revenue on State roads, which was unanticipated. This issue had to be dealt with at the State Legislature. A staff member and Commissioner Weithorn met in Tallahassee with the Bill Sponsor of the Department of Transportation Package, as well as representatives from the Department of Transportation. They were able to make the Department of Transportation representatives understand that in a City such as Miami Beach, where there is a mixture of State and County roads, and master-meters are used, what the Legislation was asking for could not be done. Had this Bill developed further, it would have greatly affected Miami Beach. The fact that the City Commission is able to react in a short amount of time to certain Bills can prevent negative impacts to the City. Her amendment is to add the necessary legal language to allow this City Commission to react during these types of situations.

Commissioner Tobin stated when he first read the item he believed it was a transfer of a responsibility from the Office of the City Manager to the Mayor's Office. The City has a good image in the public because the Commission is getting along and cooperating, but sometimes there is lack of communication. During the seven years he has been a Commissioner, he does not believe the City Commission has always done the best job regarding its lobbyists. It is a great idea to allow Commissioners the ability to go personally to the State Legislature and speak in person.

Motion made by Commissioner Grieco; seconded by Vice-Mayor Wolfson. No voice vote taken at this time.

Commissioner Weithorn explained that the City Attorney had some language as an amendment before voting on the item.

Raul J. Aguila, City Attorney, informed that the amended language, as requested by Commissioner Weithorn, would be to give discretion to the individual City Commissioners to work directly with the Legislative priority liaison concerning items that may affect the City, but may not be on the City's Legislative priorities.

Commissioner Tobin does not want to make that amendment, because it makes it seem as there is some restriction, and the Commissioner should be able to speak with their Legislative liaison at any time.

Commissioner Grieco stated that there is no need to over legislate.

Handouts or Reference Materials:

1. LTC # 102-2015 from Raul J. Aguila, City Attorney to Mayor Philip Levine and Members of the City Commission dated March 9, 2015, RE: Transferring Oversight And Management Of City's Legislative Priorities from Office of the City Manager to Office of the Mayor and City Commission.

SUPPLEMENTAL MATERIAL 2: MEMORANDUM & FORM LETTER

C7T Approval Of Fee In Lieu Of Parking Letter For Pass Due Accounts.

(Office of the City Manager)

(Requested by City Commission on February 11, 2015)

ACTION: Form letter approved. **Joe Jimenez to handle.****End of Consent Agenda****REGULAR AGENDA****11:13:59 a.m.****ADDENDUM MATERIAL 2:**

R2A Request For Approval To Authorize The Issuance Of Request For Qualifications (RFQ) No. 2015-115-JR For Program Management Services For An Intelligent Transportation System And Parking Management System.

(Transportation/Procurement)

ACTION: Request approved. Motion made by Commissioner Malakoff; seconded by Commissioner Tobin; Voice-vote: 7-0. **Jose Gonzalez and Alex Denis to handle.**

City Manager Morales explained that they have discussed the issue of intelligent transportation system previously, and the City they applied for a TIGER grant (Transportation Investment Generating Economic Recovery), but it was not successful. The City Commission put forth \$4.5 million in the budget, and this is the RFQ to go out to bid with that process. The Administration is working with the Mayor's Office and the Legislative team to see if they can obtain State funding for the additional \$5.5 million.

Commissioner Malakoff asked about the parking attendant's item, since they are related. (See item R7I.)

Josiel Ferrer, Transportation Coordinator, explained that this RFQ is for program management, which is going to take care of narrowing the plan, and helping issuing the RFP for design, build, operate and maintain. In construction, and the design build, operate maintain, they have seen throughout the industry, that it takes between a year and 18 months to achieve this. The idea is to have an integrated system that provides information, as you are coming into Miami Beach, of exactly what the traffic conditions are, where parking is, and they will have this information out of the Transportation Management Center. In addition, one of the parts of this RFQ, but the upcoming steps, is to apply adaptive coverage and control, which will improve signalization.

Kathie G. Brooks, Assistant City Manager, clarified that the item that Commissioner Malakoff may be referring to is the ITN for revenue control equipment at the garages, which will probably affect the parking attendants. Over time, they will be able to reduce staffing and they hope to bring the item to Commission next month. (See discussion with item R7I.)

Discussion continued regarding implementation.

Commissioner Malakoff asked if the smart traffic systems are going to have at the garages signs stating how many parking spaces available.

Mr. Ferrer answered that not only will there be signs, but that information would also be connected to a dynamic master sign in the causeway and arterials.

R5 - Ordinances

10:28:46 a.m.

R5A An Ordinance Amending Chapter 18 Of The City Code, Entitled "Businesses," By Amending Article XVI Titled "Nude Dance Establishments," By Creating Section 18-914 Thereof To Be Entitled "Compensation Standards For Workers And Performers," Which Provides Requirements Regarding The Method Of Compensation For Those Workers And Performers In Nude Dance Establishments; And Amending Section 18-915 Entitled "Enforcement; Penalties," By Setting Forth Penalties For A Violation Of Section 18-914; Providing For Repealer; Severability; Codification; And An Effective Date. **10:20 a.m. Second Reading Public Hearing**
(Sponsored by Commissioner Edward L. Tobin)
(Legislative Tracking: Office of the City Attorney)
(First Reading on February 11, 2015 - R5J)

ACTION: Title of the Ordinance read into the record. Public Hearing held. **Ordinance No. 2015-3926 adopted.** Motion made by Commissioner Tobin to approve the Ordinance; seconded by Commissioner Weithorn; Ballot vote: 7-0. **Hernan Cardeno to handle.**

Jimmy L. Morales, City Manager, explained that this is the issue of adding to the previously adopted Ordinance language under Section 18-914 (1), that reads: *the nude dance establishment shall not compensate any worker or performer through a third-party intermediary or business entity.*

Handouts or Reference Materials:

1. Ad in The Miami Herald No. 992

9:39:55 a.m.

R5B An Ordinance Amending Chapter 2 Of The Code Of The City Of Miami Beach, Entitled "Administration," By Amending Article II, Entitled "City Commission," By Amending Section 2-12, Entitled "Meeting Agendas" By Providing Requirements For Meeting Agenda Items, Adding Subsection Headings, And Re-Lettering Subsections; And Providing For Repealer, Severability, Codification, And An Effective Date. **First Reading**
(Sponsored by Commissioner Micky Steinberg)
(Legislative Tracking: Office of the City Attorney)

ACTION: Ordinance adopted on first reading as amended. Item heard with R7P. Title of the Ordinance read into the record. Motion made by Commissioner Steinberg; seconded by Commissioner Weithorn; Ballot vote: 7-0. Second Reading Public Hearing scheduled for April 15, 2015. Rafael E. Granado to notice. Lilia Cardillo to place on the Commission Agenda if received. **Office of the City Attorney to handle.**

AMENDMENTS:

- Add Sec. 2-12(d) *Effect:* The validity of any action or determination of the City Commission or City personnel, board, or committee shall not be affected by the failure of any person to comply with the provisions of this section.

TO DO:

Fine-tune the language between first and second reading to alleviate concerns discussed. **Office of the City Attorney to handle.**

Commissioner Steinberg suggested hearing the item in conjunction with R7P, in the spirit of efficiency. This City Commission, under the leadership of Mayor Levine has gone as far as to stream City Commission and City Committee meetings live, and at any time, the public can look and see what is going on at meetings. In keeping with that transparency, and in order to adopt best practices, Commissioner Steinberg wants to ensure that the public has sufficient information on a timely manner relating to items that are up for discussion by the Commission. Commissioner Steinberg suggested extending the requirement of providing timely and sufficient information not just to the Commission agendas, but carrying it over to the Commission committees.

Commissioner Weithorn stated that the "County model" is a better model. The County model requires that items have to be added to the agenda within three or four days prior to the meeting, and if not, the item will not be heard. There are times and cases when things have to go to either a Commission Committee or the City Commission on an emergency basis, and she does not want to tie their hands on something they potentially would want to move forward. She is asking for a carve out. As an example, Commissioner Weithorn cited an event that occurred a few years ago when the City was having major issues relating to Spring break, and at a Commission Meeting, the City Commission was able to make changes relating to Spring break that really affected the quality of life for residents.

Commissioner Steinberg clarified that they can still add items with the 5/7 waiver currently in place.

Vice-Mayor Wolfson explained that this may be a good idea, but asked what "sufficient detail" means. It is subjective, and he can make an argument that 75% of the items on the referrals list lack detail.

Raul J. Aguila, City Attorney, explained that this was intended to be a best practices Ordinance, and added that a revised version of the Ordinance was distributed that contains an additional subsection d, which addresses this issue and adds a clause that states: "the validity of any action or determination of the City Commission or City personnel, board, or committee shall not be affected by the failure of any person to comply with the provisions of this section." Sufficient detail is a subjective term, and Commissioner Steinberg wanted this to be a best practices Ordinance, she did not want any provision invalidating the Commission action because of those subjective terms.

Commissioner Grieco suggested doing this as a Resolution, and not creating additional legislation.

Commissioner Steinberg stated that they have companion Resolutions that go with this Ordinance and added that Dr. Sunshine wants to speak on this item. Part of the reason she brought this forward is that she has received complaints at Commission Committees when there are items without memos attached, and she asked how can they run an effective meeting, and how can the public get enough notice and understand the issue when the public lacks information. There are great activists in the City who want to know what is going on, and to not have memos attached to an item she does not think that is best practice.

Commissioner Tobin agrees with Commissioner Steinberg, and stated that emergency items are added on hot topic issues at the last minute and they lack detail; it is frustrating and at times, it seems that it might be intentional. He is in support of Commissioner Steinberg's request, and thinks it is a great idea.

Commissioner Malakoff stated that Dr. Sunshine has addressed his concerns about the inability of the public to understand the substance of items referred to Commission Committees, as the referral memorandum often lack detail.

Dr. Morris Sunshine stated that Commissioner Steinberg has picked up on an issue that has been a problem in the City for years; the problem of inadequate agendas is not an issue caused by the City Administration. He reminded Mayor Levine that during his campaign he spoke on transparency as a central feature of his tenure. Dr. Sunshine urged the City Commission to pass this Ordinance on first reading and give the public a chance to be informed. Dr. Sunshine thanked Commissioners Steinberg and Malakoff for their assistance in this matter.

Frank Del Vecchio suggested passing a Resolution that includes Commission Committee meetings having a comparable waiver provision, which would be a minimum of two votes. He recommended taking the sufficient detail requirement, which is proposed by the Ordinance and in the Resolution, and include it only in the Resolution. Mr. Del Vecchio remarked that Section 2-1 of the City Code, which gives the opportunity to expedite unduly long recitations in Commission Meetings, by stating that the reasonable opportunity to be heard requirement can be accommodated at Commission Committee meetings, so he thinks it is important to add the requirement of substantial detail to Commission Committee referrals and Commission Committee meetings agendas.

Vice-Mayor Wolfson explained that his concern is that the Ordinance requires that there be sufficient detail and information for the City Commission and the public to evaluate the item in a reasonable matter and time; and whether or not someone can evaluate an item in a reasonable time and whether there is sufficient details are subjective and a high standards. Vice-Mayor Wolfson added that perhaps the best way to accomplish this is to give proper notice of the subject matter to be discussed.

Commissioner Steinberg requested to work with Legal between first and second reading to revise the language on second reading.

Commissioner Grieco stated that he would vote in support of the Ordinance on first reading, as long as there is a commitment to fine-tune the language.

Vice-Mayor Wolfson explained that they could meet the needs of this Ordinance by stating that there has to be sufficient detail in order to give proper notice to the public of what will be discussed, and suggested including language on second reading reflecting this.

Discussion continued.

Mayor Levine explained that the idea is brilliant and there is consensus to approve the Ordinance on first reading, but the item needs a great deal of work. Mayor Levine urged the passage of the Ordinance on first reading.

Commissioner Steinberg will work with Legal to make sure that the Ordinance meets the spirit of transparency but at the same time addresses all concerns.

Handouts or Reference Materials:

1. Ordinance distributed on the floor.

11:17:12 a.m.

- R5C An Ordinance Amending Divisions 1 - 4, Of Article III, "Safe Neighborhood Improvement Districts," Contained In Chapter 34, Entitled "Community Development" To Repeal The Following Three Districts: The Miami Beach Safe Neighborhood Improvement District No. 1, Within An Area Containing Approximately 820 Acres And Comprised Of The South Pointe Redevelopment Area And By The Nationally Recognized Architectural District Including Lincoln Road; District No. 2 For The North Shore Commercial District, Consisting Of 280 Acres; And District No. 3, Consisting Of 620 Acres In An Area Comprised Of The North Shore Residential District; And Codifying Ordinance 93-2881, Creating District No 4, Consisting Of 234 Acres Of Residential Property Known As The Normandy Shores Neighborhood Improvement District (District 4); Providing For A Repealer; Providing For Severability; And Providing For An Effective Date. **First Reading**
(Sponsored by Commissioner Joy Malakoff)
(Legislative Tracking: Office of the City Attorney)

ACTION: Ordinance adopted on first reading. Title of the Ordinance read into the record. Motion made by Commissioner Malakoff; seconded by Commissioner Grieco; Ballot vote: 7-0. Second Reading Public Hearing scheduled for April 15, 2015. Rafael E. Granado to notice. Lilia Cardillo to place on the Commission Agenda if received. **Office of the City Attorney to handle.**

Eve Boutsis, Deputy City Attorney, explained that this is a clean-up Ordinance. Three Districts are nonfunctional, but remain in the Code. One District was never codified.

Discussion held.

Vice-Mayor Wolfson asked what the line item change is in the law.

Ms. Boutsis explained that there are three Districts that are not functional; however, the City is still paying administrative fees to the State, and by repealing these non-existing Districts, the City will not have to pay any further administrative fees. The last one is to codify District 4, which is actually functioning.

10:37:03 a.m.

- R5D An Ordinance Amending Chapter 62 Of The City Code, Entitled "Human Relations," By Amending Article II, Entitled "Discrimination," By Amending Division 4, Entitled "Exceptions," By Amending Section 62-113 Thereof, Entitled "Public Accommodations," By Repealing Section 62-113(a)(1) To Remove The Exception To The Nondiscrimination Provisions Of The City's Human Rights Ordinance For Certain Public Accommodations; And Providing For Repealer, Severability, Codification, And An Effective Date. **First Reading**
(Sponsored by Commissioner Micky Steinberg)
(Legislative Tracking: Office of the City Attorney)

ACTION: Ordinance adopted on first reading. Title of the Ordinance read into the record. Motion made by Commissioner Steinberg; seconded by Commissioner Malakoff; Ballot vote: 7-0. Second Reading Public Hearing scheduled for April 15, 2015. Rafael E. Granado to notice. Lilia Cardillo to place on the Commission Agenda if received. **Office of the City Attorney to handle.**

Raul J. Aguila, City Attorney, explained that the City approved a Resolution, sponsored by Commissioner Steinberg, at its February 2015 Commission Meeting, urging the Florida Legislature to oppose House Bill 538, which required the use of single sex public facilities be restricted to persons of the sex for which the facilities are designated, and would provide criminal penalties for knowingly and willfully entering a single sex facility designed and restricted to persons of the other

biological sex. The reason they are doing this is because on December 2, 2014, the Miami-Dade County Commissioners amended the County's Human Rights Ordinance to prohibit discrimination on the basis of gender identify or gender expression in housing, public accommodations and employment. The County also removed any discrimination prohibitions as to shower rooms, bathhouses, health spas or similar facilities. Since the County Ordinance applies to our City Ordinance, the City's Ordinance currently carves out an exception for restrooms, shower rooms, bathhouses, dormitory lodging facilities, health spas or similar facilities, which by their nature are distinctly private. In order to comply with County law, he asks that the City amend its Human Rights Ordinance, since the County's Ordinance applies to incorporated and unincorporated areas of Miami-Dade County, including the City of Miami Beach.

Discussion held regarding County's provision.

Commissioner Grieco explained that they can go further than the County's Ordinance, but if they did not do anything today, the City would still be bound to the County's Ordinance.

Discussion continued.

Raul J. Aguila, City Attorney, explained that he had conversations with the County Attorney, and the reason this is being done is to comply with County law.

Commissioner Steinberg added that they want to make sure that the City's Ordinance is strengthened.

Mayor Levine asked if Chief of Police Oates had any concern on how to enforce the law.

Chief of Police Oates explained that he is not concerned about the issue, as the Police Officers are sensitive to the issues of the transgender community; they will exercise proper discretion when needed.

Raul J. Aguila, City Attorney, clarified that if one is engaged in any criminal activity in any of these public facilities, this Ordinance does not apply.

11:19:50 a.m.

R5E An Ordinance Amending Chapter 66, "Marine Structures, Facilities And Vehicles," Article IV, "Vessels," Section 66-151, "Launching And Hauling," To Prohibit Docking, Securing, Embarking Or Disembarking Vessels At Municipal Or Public Seawalls, Wharfs, Docks Or Bulkheads In Residential Neighborhoods, Creating Exceptions, Providing For Repealer; Codification; Severability And An Effective Date. **First Reading**

(Sponsored by Commissioner Michael Grieco)
(Legislative Tracking: Office of the City Attorney)

ACTION: Ordinance adopted on first reading. Title of the Ordinance read into the record. Motion made by Commissioner Grieco; seconded by Commissioner Steinberg; Ballot vote: 7-0. Second Reading Public Hearing scheduled for April 15, 2015. Rafael E. Granado to notice. Lilia Cardillo to place on the Commission Agenda if received. **Office of the City Attorney to handle.**

Commissioner Grieco stated that there is a loophole in the current Ordinance. There have been complaints in certain multifamily districts that there are boats and jet skis docked and often abandoned near their homes. In reviewing the issues with Code Compliance it was determined that the Code currently only provides protection from mooring and such activities in single-family

home districts. As such, the City proposes to expand this category to allow Code Compliance to enforce in both single family and multi-family districts. Commissioner Grieco He explained that there are dozens of boats docked on properties on the west end of Lincoln Road, so this is a clean-up Ordinance to prohibit such docking in multifamily districts, and allow Code the ability to enforce the Ordinance for those docking on the City's seawalls.

Commissioner Tobin congratulated Commissioner Grieco for bringing this item forward.

Commissioner Grieco explained that this was a product of several people in the West Avenue and Purdy Avenue area who send photos and worked with the Code Enforcement Department, and he recognized Code Enforcement for their efforts, as well as Eve Boutsis and the Office of the City Attorney.

11:22:51 a.m.

SUPPLEMENTAL MATERIAL 2: MEMORANDUM & ORDINANCE

R5F An Ordinance Amending Chapter 82 Of The Code Of The City Of Miami Beach, Entitled "Public Property," By Amending Article IV, Entitled "Uses In Public Rights-Of-Way," By Amending Division 2, Entitled "Temporary Obstructions," By Amending Section 82-151 Thereof, Entitled "Permit Required," To Amend The Permit Requirements And To Amend The Enforcement And Penalty Provisions For Temporary Obstructions Of The Public Right-Of-Way In Violation Of Permit Requirements; And Providing For Repealer, Severability, Codification, And An Effective Date. **First Reading**

(Sponsored by Commissioner Michael Grieco)
(Legislative Tracking: Parking)

ACTION: Ordinance adopted on first reading. Title of the Ordinance read into the record. Motion made by Commissioner Grieco; seconded by Commissioner Weithorn; Ballot vote: 7-0. Second Reading Public Hearing scheduled for April 15, 2015. Rafael E. Granado to notice. Lilia Cardillo to place on the Commission Agenda if received. **Saul Frances to handle.**

Saul Frances, Parking Director, explained that this is a first reading for an Ordinance amendment that will enhance the restriction of unauthorized obstructions on the right-of-way, and essentially the Public Works Director will be empowered to go through a regulations process, and Code, Parking and Police will be able to enforce this with fines structure starting with the first violation at \$1,000, second violation at \$5,000, third at \$10,000 and fourth being a criminal misdemeanor.

Commissioner Grieco stated that before this proposed amendment the only way to enforce the City Code on someone obstructing the right-of-way would be to charge them with a criminal offense. There was a hole in the Code that did not create any enforcement or fine schedule for creating such obstructions, so the default in the Code is to make a Code violation a misdemeanor. He and the Administration have worked long and hard to create a fine schedule for Code and law enforcement to enforce the law, as the City Commission has deemed traffic to be the number one issue affecting residents' quality of life. The City Commission has committed itself to clear the roads in the City. If the roads/lanes are kept clear, the City will function better; it has worked on Washington Avenue and other corridors.

11:25:53 a.m.**SUPPLEMENTAL MATERIAL 1: Ordinance**

R5G An Ordinance Amending Chapter 2, Article 111, Of The Miami Beach City Code, Entitled "Agencies, Boards And Committees," Division 32, Entitled "Gay, Lesbian, Bisexual And Transgender (GLBT) Business Enhancement Committee," And Sections 2-190.144 Through 2-190.147 Thereto To Change The Name Of The Committee To The "LGBT Advisory Committee;" And Providing For Codification, Repealer, Severability, And An Effective Date. **First Reading**
(Sponsored by Commissioner Michael Grieco)
(Legislative Tracking: Office of the City Attorney)

ACTION: Ordinance adopted on first reading. Title of the Ordinance read into the record. Motion made by Commissioner Grieco; seconded by Commissioner Steinberg; Ballot vote: 7-0. Second Reading Public Hearing scheduled for April 15, 2015. Rafael E. Granado to notice. Lilia Cardillo to place on the Commission Agenda if received. **Office of the City Attorney to handle.**

Commissioner Grieco referred to Page 425 of the Commission Agenda, and explained that the name change is more consistent with the committee's mission.

R7 - Resolutions**10:14:59 a.m.**

R7A A Resolution Pursuant To City Code Section 118-563, To Grant A Certificate Of Appropriateness For The Total Demolition Of The Existing Bandshell And Recreation Center Buildings, And The Construction Of A Portion Of The Proposed Miami Beach Convention Center Building And Landscape Plan Within The Boundaries Of The 21st Street Community Center Historic Site.
10:00 a.m. Public Hearing

(Planning)

ACTION: Title of the Resolution read into the record. Public hearing held. **Resolution No. 2015-28948 adopted as amended.** Motion made by Commissioner Grieco, seconded by Commissioner Steinberg; Voice-vote: 7-0. **Thomas Mooney to handle.**

Amendment:

Before renovation, find a temporary and a designated permanent location for the Teen Club.

Thomas Mooney, Planning Director, explained that this is a request to grant a certificate of appropriateness for demolition of two of the structures in the 21st Street Community Center Historic District, which is adjacent to the Convention Center at the northeast corner of the site. Under the City Code, for City-owned property, the Historic Preservation board is advisory with regard to request for total demolition. The final decision with regard to the demolition of these two structures, which are both noncontributing structures, rest with the City Commission. Mr. Mooney reported that both the Administration and the Historic Preservation Board recommend the demolition of these two structures.

Commissioner Malakoff expressed a concern that during the demolition of these two structures, the Carl Fisher Clubhouse will need to be protected. It was built in the 1920s, and it may be fragile, needing to be shored up and supported. Commissioner Malakoff stressed the importance of preserving the Carl Fisher Clubhouse.

City Manager Morales addressed Commissioner Malakoff's concerns regarding preserving the Carl Fisher Club House. Mr. Morales explained that he has spoken to Maria Hernandez, Project Director – Convention Center District, and as a way to reduce cost, the City will be using the Carl Fisher Clubhouse as the Convention Center Renovation Project construction offices; therefore, the building will be protected and ultimately restored.

As one of the properties being suggested for demolition is the Teen Club building, Commissioner Grieco inquired what the City is doing to relocate the Teen Club.

City Manager Jimmy L. Morales responded that the relocation of the Teen Club is one of the issues that will be discussed at the Parks and Recreation Workshop that is scheduled for March 18, 2015.

Commissioner Grieco explained that he spoke with the Teen Club a few weeks ago, and they are scared of where they are going to go. Commissioner Grieco commented that options for the relocation must be given. Commissioner Malakoff suggested the Scott Rakow Youth Center.

Rey Breslin, President of the Collins Park Neighborhood Association spoke regarding the relocation of the Teen Club and the Sobe Institute of the Arts, which is currently housed at the Carl Fisher Club House.

Commissioner Grieco responded to Mr. Breslin's concern regarding the Sobe Institute of the Arts and explained that assistance has been provided to them in order to find them an alternate location. Commissioner Grieco added that however, the Carl Fisher Clubhouse must be vacated by the tenant for uses related to the renovation of the Convention Center.

City Manager Morales added that the Sobe Institute of the Arts must vacate the premises by August 2015. However, no decision has been made as to what will be done with the Carl Fisher Clubhouse after the Convention Center is renovated. City Manager Morales explained that the future use of the Carl Fisher Clubhouse is a policy decision for the Commission to make.

Commissioner Steinberg stated the City needs to have a place for the teens, and before the City does any demolition work, she wants to make sure that it is known where the Teen Club will be located.

Commissioner Grieco moved the item with the amendment that the Teen Club have both a temporary location and a designated permanent location. Seconded by Commissioner Steinberg.

Handouts and Reference Materials:

1. Ad in The Miami Herald No. 985
2. Ad in The Miami Herald No. 992

10:21:36 a.m.

R7B A Resolution Accepting The Recommendation Of The Finance And Citywide Projects Committee At Its February 2, 2015 Meeting, To Approve The Vacation Of The Right Of Way Known As Liberty Avenue (Palm Avenue) Between 22nd Street (Ocean Avenue) And 23rd Street (Atlantic Avenue), Which Is A 50 Foot In Width Right-Of-Way, Containing Approximately 12,500 Square Feet In Total Area, As Shown On The Plat Of Amended Map Of The Ocean Front Property Of The Miami Beach Improvement Company, Recorded In Plat Book 5 At Page 7, Of The Public Records Of Miami-Dade County, In Favor Of The City Of Miami Beach, (The Applicant); Waiving By 5/7th Vote, The Competitive Bidding And Appraisal Requirements Pursuant To Section 82-39(a) And (b) Of The City Code, Finding That The Public Interest Would Be Served By Waiving Such Conditions. **10:05 a.m. Second Reading Public Hearing**

(Capital Improvement Projects)
(First Reading on February 11, 2015 - R7B)

ACTION: Title of the Resolution read into the record. Public hearing held. Item heard in conjunction with R7F. **Resolution No. 2015-28949 adopted.** Motion made by Commissioner Weithorn, seconded by Commissioner Malakoff; Voice-vote: 7-0. **David Martinez to handle.**

Item heard with R7F; See action on R7F.

David Martinez, CIP Director, introduced the item. This is the second time this matter comes back before the City Commission, as is required by the City Charter. Mr. Martinez explained that this is to vacate Liberty Avenue due to the construction of the ground level plaza that is part of the Collins Park garage.

Handouts and Reference Materials:

1. Ad in The Miami Herald No. 992

10:24:07 a.m.

R7C A Resolution Following A Duly Noticed Public Hearing, As Required Pursuant To Section 82-93 Of The City Code, Approving The Renewal Of An Existing Revocable Permit For Vera Mender And The Drake Condominium Association, Inc., To Continue To Retain An Existing Handicap Access Ramp In The City Right-Of-Way Abutting The Drake Condominium, Located At 1460 Ocean Drive, Miami Beach, Florida, And Authorizing The Mayor And City Clerk To Execute An Agreement Extending The Revocable Permit, Such Agreement Extending The Term For An Additional Twenty (20) Years. **10:10 a.m. Public Hearing**

(Office of the City Attorney/Public Works)

ACTION: Title of the Resolution read into the record. Public hearing held. **Resolution No. 2015-28950 adopted.** Motion made by Commissioner Malakoff, seconded by Commissioner Grieco; Voice-vote: 7-0. **Office of the City Attorney and Eric Carpenter to handle.**

Murray Dubbin, Esq., representing Drake Condominium, spoke. Twenty years ago Ms. Mender received a revocable permit to install a handicap access ramp on the north side of the great condominium building, which would access the business that she operates, known as the World of Kids, a photography studio that provide lessons and teach children how to model. This is a request to renew it for another 20 years. It is in full compliance.

Raul J. Aguila, City Attorney, introduced former City Attorney Dubbin, and recommended renewal on the same terms and conditions.

Handouts and Reference Materials:

1. Ad in The Miami Herald No. 991
2. Ad in The Miami Herald No. 992
3. Letter from Jose F. Lopez, P.S.M., The Zoning Specialists Group, Inc., dated February 13, 2015 RE: Property Owners List within 375 feet of the Drake Condominium, with attached copies of labels.

10:26:39 a.m.

R7D A Resolution Adopting The Third Amendment To The Capital Budget For Fiscal Year 2014/15.

10:15 a.m. Public Hearing

(Budget & Performance Improvement)

ACTION: Title of the Resolution read into the record. Public hearing held. **Resolution No. 2015-28951 adopted.** Motion made by Vice-Mayor Wolfson, seconded by Commissioner Grieco; Voice-vote: 7-0. **John Woodruff to handle.**

John Woodruff, Budget Director, introduced the item. There are 14 different projects on this Capitol Budget amendment. The first one has to do with a companion item on today's agenda, C7R; the second item was an item on the February 11, 2015 Commission meeting, and this is the budget action that accompanies the previous action; item three is various projects that the original proposed project funding was not enough, for example the Miami Beach golf course golf cart path repair; the fourth one, the administration wants to change the scope of that particular project so there is no additional funding needed; the fifth item is revenue control equipment in the City's parking garages, the original project scope was to upgrade those revenue-controlled systems, and at this time, parking decided the better decision is a complete replacement of that equipment; and the other 9 projects are various renewal and replacement-type projects, the Property Management Department has done a great job of working through the backlog that the City has had for several years, they have closed out several completed projects and are now funding these projects.

City Manager Morales explained that because of the Property Management reorganization that was done last year, the City is using a mix of in-house and outsource, getting through a backlog of a lot of projects and bringing new ones forward that have been in the queue.

Handouts and Reference Materials:

1. Ad in The Miami Herald No. 992

11:26:55 a.m.

R7E A Resolution Authorizing The Withdrawal Of Request For Proposal (RFP) No. 2014-187-SR For Design/Build Services For Neighborhood No. 8: Central Bayshore South Right-Of-Way Infrastructure Improvements And Authorizing The Issuance Of RFP No. 2015-133-YG For These Same Services.

(Capital Improvement Projects/Procurement)

ACTION: Resolution No. 2015-28952 adopted. Motion made by Commissioner Weithorn; seconded by Commissioner Malakoff; Voice vote: 7-0. **David Martinez and Alex Denis to handle.**

David Martinez, CIP Director, introduced the item. This is to authorize a withdrawal of the current RFP that had been out for several months, and to reissue a new RFP. The reasoning is to upgrade the design criteria to incorporate what has been learned on the storm water enhancement; and to revise the selection process to be similar to that being done with the former design build of the Convention Center, to allow for a true two-step process in the selection.

10:22:55 p.m.

- R7F A Resolution Authorizing The Mayor And City Clerk To Execute Amendment No. 5 To The Professional Architectural And Engineering (A/E) Services Agreement With The Joint Venture Of Zaha Hadid Limited T/A Zaha Hadid Architects And Berenblum Busch Architecture, Inc. Dated May 3, 2012, For The Collins Park Parking Garage Project (Collins Park Place), For The Additional Professional Services Required To Redesign The Ground Floor Of The Building To Base Flood Elevation (BFE) With Provisions To Have All Critical Systems Elevated Up To 20 Feet Or As High As Reasonably Possible, And Building Slabs Designed To Accommodate A Future Increase In Ground Floor Elevation, In Keeping With The City Of Miami Beach Flood Mitigation Efforts As It Relates To Sea Level Rise, In The Lump Sum Amount Of \$250,870; And For The Provision Of A Contamination Assessment Plan (CAP), Site Assessment (SA) And Site Assessment Report (SAR) For The Project Site In Accordance With Environmental Requirements By Miami-Dade County Regulatory And Economic Resources (RER) And The Florida Department Of Environmental Protection (FDEP) To Address The Site Contamination Identified In The Phase II Environmental Site Assessment Report, In The Negotiated Lump Sum Amount Of \$43,479; For A Total Cost Of \$294,349 With Previously Appropriated Funding.
(Capital Improvement Projects)

ACTION: Resolution No. 2015-28953 adopted. Item heard with R7B; See action on R7B. Motion made by Commissioner Grieco; seconded by Commissioner Malakoff; Voice vote: 7-0. **David Martinez to handle.**

David Martinez, CIP Director, explained the item. This is related to the ground elevation and finished floor. Mr. Martinez stated that the floor height is coming back down, but the ceilings heights are staying at the same level. Knee walls are being added to the glass, and the entire structure is being reinforced in order to be able to raise the structure in the future. There is a second part to this amendment, which is an environmental assessment that has to be done based upon what was found at the site.

11:27:54 a.m.

- R7G A Resolution Appointing John C. Dellagloria, Esq. To Serve As A Special Master For Appeals Of Decisions Of The City's Historic Preservation Board For A ~~Three~~ One Year Period, Ending March 10, 2016, And Setting The Compensation At \$100.00, Per Hour, With A Maximum Payment Of \$500.00, Per Case.
(Office of the City Manager/Office of the City Attorney)

ACTION: Resolution No. 2015-28954 adopted as amended. Motion made by Commissioner Tobin; seconded by Commissioner Weithorn; Voice vote: 7-0. **Offices of the City Attorney and City Clerk to handle.**

Amendment:

Appointing John C. Dellagloria, Esq., to serve as a Special Master for appeals of decisions of the City's Historic Preservation Board for a one-year period, ending March 10, 2016.

Final Resolution Title: A Resolution Appointing John C. Dellagloria, Esq. To Serve As A Special Master For Appeals Of Decisions Of The City's Historic Preservation Board For A One Year Period, Ending March 10, 2016, And Setting The Compensation At \$100.00, Per Hour, With A Maximum Payment Of \$500.00, Per Case.

Raul J. Aguila, City Attorney, introduced the item. Under the Land Development Regulations, appeals from the Historic Preservation Board (HPB) are to be heard by a Special Master who is appointed by the City Commission. This Special Master has to have an expertise in the area of historic preservation. The challenge is that the City only has one Special Master that hears appeals from HPB, and he has been the only Special Master for about 20 years. One of the challenges of finding a Special Master to hear these type of cases is not only that the Special Master has to have experience in land use and historic preservation, but it is also very difficult to find a qualified attorney that does not do business in Miami Beach to be able to sit as a Special Master; because if they become Special Master they obviously cannot lobby the City or appear before City boards or agencies. City Attorney Aguila has been trying to come up with suitable candidates to act as Special Master, and he has found a great candidate.

In response to the Mayor's question, City Attorney Aguila stated that the term is for three years. However, Mr. Aguila does not think that there is anything in the Code that would preclude the City Commission from implementing a shorter term, if that were their preference. City Attorney Aguila explained that currently the Chief Special Master is appointed to a term of six months.

City Attorney Aguila proceeded to give Mr. Dellagloria's professional background. Mr. Dellagloria served as Chief Deputy Attorney for the City of Miami Beach for five years, from 1997 to 1997, a period of great change for the City. Mr. Dellagloria served as the chief land use attorney for the City at that time. Not only did he have to balance preservation interest with development interest, which he did very well, but he also is very familiar with the City Code and Land Development Regulation. Mr. Dellagloria has served as City Attorney for the Cities of North Miami and South Miami and Chief Deputy City Attorney for the City of North Miami Beach. Mr. Dellagloria is a faculty member at the University of Miami. City Attorney Aguila believes that Mr. Dellagloria has the right qualifications to serve. City Attorney Aguila emphasized that Mr. Dellagloria is not a replacement to Mr. Bittner, but he is an addition. City Attorney Aguila recommends Mr. Dellagloria, and the City Manager concurs with the recommendation.

Commissioner Tobin stated that he does not know Mr. Dellagloria personally, but he made a few telephone calls, and Mr. Dellagloria has a very good reputation. Commissioner Tobin added that Mr. Dellagloria is a successful real estate land use attorney in his own right, and he is likely seeking this appointment for the service more than the remuneration.

Commissioner Weithorn agreed with Commissioner Tobin. Commissioner Weithorn stated that a term of six months is good for a normal Special Master; and maybe a year is a good term for this category of Special Master, as the City may utilize him once during the year, so she would recommend no shorter than a year.

11:32:27 a.m.

R7H A Resolution Consenting To The Settlement Of A Personal Injury Claim Filed By Loida Diaz Against The City Of Miami Beach, And Authorizing The Payment Of \$198,000 From The City's Risk Management Fund To Settle The Claim, Pursuant To Section §768.28 Of The Florida Statutes; And Further Authorizing The Office Of Risk Management To Execute Any And All Settlement Documents.

(Human Resources)

ACTION: Resolution No. 2015-28955 adopted. Motion made by Commissioner Weithorn; seconded by Commissioner Malakoff; Voice vote: 7-0. **Sylvia Crespo-Tabak to handle.**

Raul J. Aguila, City Attorney, introduced the item. An attorney client session on this matter was had at the last City Commission meeting. Today he is bringing a Resolution recommending settlement of this case for the sum of \$198,000, and the Office of the City Attorney strongly urges that the City Commission approve the Resolution.

11:46:39 a.m.

Recess Announcement:

Vice-Mayor Wolfson called for a recess.

11:33:13 a.m.

R7I A Resolution Accepting The Recommendation Of The Finance And Citywide Projects Committee To Issue A Request For Proposals (RFP) For Parking Attendants For The City's Parking System.
(Parking)

ACTION: Resolution No. 2015-28956 adopted. Motion made by Vice-Mayor Wolfson requesting that the contract go out to bid for a one-year deal with a series of one-year renewals if necessary; with an understanding that staff is going to work to get this contract down significantly from the \$2.9 million number, and then they will put it out as a cost plus basis; seconded by Commissioner Malakoff; Voice vote: 4-3; Against: Commissioners Steinberg, Tobin and Weithorn. **Saul Frances and Alex Denis to handle.** (See also C6A.)

Vice-Mayor Wolfson stated that the City has a situation where it has been trying to move towards an electronic parking setting where the City does not have people collecting the money and manually handling it. That would save the City quite a bit of money. The Parking Department, Parking Director and the City have been working towards that end. To the extent that this contract renewal would have the City promising a certain number of hours or any minimum of hours, we should not be doing that. Going forward, it is Vice-Mayor Wolfson's opinion that we should put this out to bid, start over, and try to come up with a contract that will serve the City's needs for the period of months that we need this type of service. Vice-Mayor Wolfson believes that the City should have already implemented an electronic parking setting; and believes we can reach that goal quickly. That is why Vice-Mayor Wolfson wants to put this item out to bid.

Commissioner Malakoff agrees with putting it out to bid, but she thinks we have to watch the time amount; do we put it out as a one-year contract? If we are getting a new automatic payment system and a parking management system as well (See item R2A), she does not know that the City can hire x number of people that are going to remain because there is going to be less people needed. She does not know how that could be achieved.

Saul Frances, Parking Department Director, stated that he could work on the time line. The City's plan is to come back at the April 15, 2015 Commission meeting with an award for the gated revenue control system. It is going to provide substantial enhancements to the system, including reducing the number of cashiers at the facilities through a central monitoring location. If this item were put out to bid, it would be a three to four month process, so they would have to work out a time line for the installation of equipment in each one of the garages, which is approximately a six-month period. Mr. Frances still needs to work on the time line, so he cannot provide hard dates right now.

Commission Weithorn stated that she helped do this cost plus contract, and inquired if there is a minimum number of hours in the existing contract.

Mr. Frances responded that there was not a minimum.

Commissioner Weithorn was certain when she assisted with the writing of the contract that they got rid of the minimum, so there are no minimum numbers of hours. The only guarantee for what the City pays is the management fee. Therefore, in theory, if the City got rid of everything the only risk is the management fee. Commissioner Weithorn does not believe that there would be significant savings, as the savings is the City's responsibility, not the contractor's, because the City is responsible to put in place the automated systems and all else that it can. Commissioner Weithorn inquired if due to the City's tourist environment, can the City really get to a completely automated system like the one they have in office buildings and other places.

Mr. Frances responded that it would be automated from the perspective of the cashier function. The Parking Department would still need a person at the facility to deal with issues such as if a patron has lost their ticket, if their car has broken down, or if they had a problem getting out of the facility, that type of thing, as well as the security.

Vice-Mayor Wolfson inquired how much is the current management fee. Mr. Frances responded that it is \$75,000 a year.

Vice-Mayor Wolfson inquired how much was paid under the current contract. Mr. Frances responded that last year the value of the contract was \$2.9 million.

Vice-Mayor Wolfson inquired if the City went to automated stations, eliminated all these takers/cashiers, how much would the City pay? Mr. Frances responded that it is a substantial portion because much of the cost is for cashiers.

Vice-Mayor Wolfson stated that he is even inclined not to put out an RFP, but direct the Parking Director just to do this within the next six months; get it done. We try to do things like this to save money, but he agrees with Commissioner Malakoff that it cannot be so short that the City does not receive any bidders. Discussing where the City is going with this is important. This body agrees that we want to save money in this area.

Commissioner Tobin commented that this could degenerate into a conversation about politics and he is going to try to keep it above board. The City has dozens of contracts that are routinely renewed when staff says the vendor is doing a good job. Sometimes, depending on how active the vendor is politically, somehow, those contracts are renewed and sometimes when a vendor is not political, they find themselves in this position. In any event, this is a one-year contract; we spent a ton of time negotiating this down to the \$75,000 management fee to manage all of the City's parking. They were the best bidder and they were hands down the cheapest bidder. The City eliminated the minimum hours. We are talking about this administrative fee, and only this fee. In 12 to 15 months, the City is never going to convert all of the parking lots to the mechanized parking lots. It is not going to happen in 15 months. Commissioner Tobin agrees that we should move to a mechanized system, and we should give the Parking Department a deadline, and a short-term goal, a mid-range goal and a long-term goal. However, to go through the exercise of going out and seeing if there is a parking lot vendor that wants to sign up with the City for 14 months does not make sense to him. Originally, when this contract was done the City said that it did not want all the employees fired, because all these employees are making close to minimum wage. So what is going to happen to all these employees? The current vendor agreed to keep all the employees' jobs as long as they did not have felony criminal history. Commissioner Tobin stated that it is a bad idea; it would not be done for any other vendor, except for this one, a contract that the City already whittled down to the cheapest amount of money. Commissioner Tobin thinks that the Commission should renew the contract for the last year. Commissioner Tobin inquired of Saul Frances if the

contractor was doing their job, and Mr. Frances responded in the affirmative. Commissioner Tobin believes that Parking Director Saul Frances should inform the Commission where he is at in three months and in six months as far as mechanizing the parking systems. Commissioner Tobin inquired of Mr. Frances if he thought he could mechanize all our parking lots in 12 months with the machines.

Mr. Frances responded that the process we are going through now is for the ten garages. The surface lots are managed through pay stations meters, so that particular ITN is for ten parking garages.

Vice-Mayor Wolfson stated that we have a \$75,000 management fee; nobody in this room believes that this is a contract for a \$75,000 management fee. It is a \$2.9 million agreement and somewhere in there is a ton of money being made. It has been presented to them as a cost plus, that there is no minimum hours, all different sorts of promises and apparent contractual obligations that make this appear as if the City is not really spending any money and that they are achieving a great deal of saving by paying \$2.9 million. It would not be such a hotly contested and fought over contract if the vendor was not making a ton of money at \$2.9 million. It is not a contract for \$75,000. What that tells Vice-Mayor Wolfson is that the City is losing a lot of money on the \$2.9 million; it has nothing to do with politics. This has to do with is the City going to automated mechanized stations to save money on this contract. We have been talking about doing it for years. This contract has never gotten much smaller than that \$2 to \$3 million range. The City needs to achieve automatic mechanized station. Vice-Mayor Wolfson believes that putting this out for bid is a start, and letting the new bidder know that they are not going to be in the City for long will help the City's goal of mechanization.

Discussion was had regarding the living wage.

Mayor Levine reiterated Vice-Mayor Wolfson's position. Mayor Levine stated that what Vice-Mayor Wolfson is saying is that it is 2015, and he would like to have some automation with our systems. If we can reduce our costs in our City, we owe it to our taxpayers to do that. Mayor Levine stated that he is in favor of putting this out as an RFP and letting people vote on it, bringing some new deals to the City; we are all about change, efficiency and being progressive. Mayor Levine stated that he is not about keeping things exactly the way they are; he believes that we need to bring in fresh thoughts, whether it is the existing contractor or new contractor or new vendor. We need to move forward and make changes.

Discussion continued.

Commissioner Steinberg asked as Saul Frances if the two items are mutually exclusive. Can we still move forward with the automated system before the expiration of this contract? Mr. Frances responded "no," that the Commission approved an extension through August, and then there is another extension that is available through August of 2016.

Commissioner Steinberg inquired as to the time line to complete the implementation of the revenue control equipment. Mr. Frances responded at the next Commission Meeting, April 15, 2015, they expect to award the contract, and execute the agreement with the successful proposer. Thereafter Mr. Frances is estimating a 6-month time line on installation of equipment and software, and then at that point that is when we can get to some substantial change as far as labor hours for cashiers.

Commissioner Steinberg asked Mr. Frances if at that point would he want to go out to RFP. Mr. Frances responded that it could potentially run concurrently. One does not have to wait for the other. The RFP process would take three to five months even if it were fast tracked. Once they obtain a time line for the installation of the equipment then if it were the policy of the Commission to issue the RFP, then they would be able to look at that time line.

In response to Mayor Levine's question, Commissioner Steinberg responded that she does not know if she is in favor of bringing forth an RFP at this particular juncture, based on what she is hearing from the Parking Director.

Motion by Vice-Mayor Wolfson to put it out for RFP for a one-year deal that would have a series of one-year renewals if necessary. With an understanding that this would not be a \$2.9 million agreement, with instruction to staff to shave the cost down to as little as possible. Vice-Mayor Wolfson understands that there may be a need for some attendants here or there, but not at a cost of \$2.9 million. That is just an obscene amount of money to be spending on something when the taxpayers may not need to be spending that kind of money.

A brief recess was taken.

Vice-Mayor Wolfson reiterated his motion. He requested that the contract go out to bid for a one-year deal with a series of one-year renewals if necessary; with an understanding that staff is going to work to get this contract down significantly from the \$2.9 million number, and then they will put it out as a cost plus basis.

Mayor Levine inquired if the existing vendor could bid. Vice-Mayor Wolfson responded that everybody could bid. The existing vendor would have an equal opportunity.

Vice-Mayor Wolfson commented that he voted for the existing vendor last time.

Motion seconded by Commissioner Malakoff.

11:48:36 a.m.

R7J A Resolution Adopting The Blueways Master Plan.
(Parks & Recreation)

ACTION: Item referred to the Neighborhood/Community Affairs Committee and the Sustainability & Resiliency Commission Committee for further discussion and modifications. Motion made by Commissioner Malakoff; seconded by Commissioner Weithorn; Voice vote: 7-0. **John Rebar to handle.**

REFERRALS:

- Neighborhood/Community Affairs Committee - Vania Pedraja to place on the Committee Agenda. **John Rebar to handle.**
- Sustainability & Resiliency Commission Committee - Elizabeth Wheaton to place on the Committee Agenda. **John Rebar to handle.**

City Manager Jimmy Morales explained that he had asked Commissioner Malakoff to refer this item the Neighborhood/Community Affairs Committee as a longer discussion is needed on the Blueways Master Plan.

Commissioner Weithorn requested that the item be concurrently referred to the Sustainability & Resiliency Commission Committee. Commissioner Weithorn explained that this item has a sustainability component.

1:30:11 p.m.

R7K A Resolution Accepting The Recommendation Of The Neighborhood/Community Affairs Committee At Its January 30, 2015 Meeting, And Authorizing The Administration To Proceed With The Construction Of A Floating Dock For Non-Motorized Marine Vessels At Maurice Gibb Park, Located At 18th Street And Purdy Avenue, Miami Beach, Florida; Establish A Policy For Commercial Use Of The Boat Ramp At Maurice Gibb Park; And, In Consultation With The Office of the City Attorney, To Develop And Implement A Plan To Limit Access To The Boat Ramp.
(Parks & Recreation)

ACTION: Resolution No. 2015-28957 adopted. Motion made by Commissioner Grieco; seconded by Commissioner Malakoff; Voice vote: 7-0. **John Rebar and Elizabeth Wheaton to handle.**

John Rebar, Parks and Recreation Director, introduced the item. Mr. Rebar explained that they have been working on some of the issues and conflicts at the boat ramp at Maurice Gibb Memorial Park for a few months now, especially with the Marine and Waterfront Protection Authority and the Neighborhood/Community Affairs Committee. Mr. Rebar provided background on the issue. The City has a major conflict between non-motorized and motorized vessels as well as commercial use. The recommendation before the City Commission is to move forward with construction of a non-motorized vessel dock or launch, which most likely would be located, if one were facing the water, to the left of where the Marine Patrol docks their boats. That would immediately separate the conflict of the kayaks, paddleboards and canoes away from the motorized vessels. They would also continue to work with the Office of the City Attorney, because it was recommended by the Marine and Waterfront Protection Authority that commercial use be prohibited at that ramp and be for residents only. A few things need to be worked out with the Office of the City Attorney to determine how to modify this location for residents only and grant fund some of the related expenses. Mr. Rebar recommends moving forward with the dock and looking at a resident only area with some sort of gated access or control.

Commissioner Grieco explained that this was the product of a great deal of work by John Rebar, Mark Taxis and himself. Commissioner Grieco asked about commercial paddleboards and commercial kayak operations. Commissioner Grieco everybody using the paddleboards or kayaks are bringing their own. Commissioner Grieco believes that there is some commercial activity with kayaks and paddleboards that is taking place.

Mr. Rebar explained that if one is renting a non-motorized vessel from an off-site location and bringing it to the City ramp it does not make a difference to the City. If one is conducting their business on the City property and doing the rentals from City property, they would need a license to do that. If you are renting a non-motorized vessel in a spot across the street from the park and you carry the kayak or paddle board to the park you can go straight to the dock without a problem.

1:32:47 p.m.

R7L A Resolution Accepting The Recommendation Of The Neighborhood/Community Affairs Committee At Its January 30, 2015 Meeting And Approving The Inclusion Of A Single-Story Restroom/Storage Building In Phase I Of The Adopted Conceptual Park Master Plan For The Park Space Known As Altos Del Mar Park, Located At 7701 Collins Avenue.
(Parks & Recreation)

ACTION: Resolution No. 2015-28958 adopted. Motion made by Commissioner Malakoff; seconded by Commissioner Tobin; Voice vote: 7-0. **John Rebar to handle.**

John Rebar introduced the item. Mr. Rebar explained that this was an item brought forth by Commissioner Malakoff. The master-plan process for Altos Del Mar Park was adopted by the City Commissions on July 2014. The restrooms and storage building are already in the approved master plan, but based on the funds that were budgeted at that time the single story restroom/storage building was phased out. There are no moneys in the current budget to fund the restrooms. The recommendation is to include the restrooms in the very first phase, and making it part of the 2015-16 Capital Budget process.

Commissioner Malakoff stated that restrooms are necessary. She cannot see parents and children going to the park and not having a place to go the bathroom. It does not seem right. A one-story fully landscaped bathroom facility will not an eyesore to the neighborhood.

Commissioner Weithorn inquired as to the restrooms' operating hours. She wants to assure residents that these bathrooms will not convert themselves into a 24-hour hang out.

Mr. Rebar stated that they have not determined the hours, but they would likely mirror the park's hours of operation, which are typically sunrise to sunset.

1:39:26 p.m.

R7M A Resolution Accepting The Written Recommendation Of The City Manager (As Further Set Forth In The City Commission Memorandum Accompanying This Resolution) And Waiving, By 5/7th Vote, The Formal Competitive Bidding Requirement, Finding Such Waiver To Be In The Best Interest Of The City, And Authorizing The City Administration To Negotiate An Agreement With Big Wireless, LLC, In The Amount Of \$17,100.00 (For An Initial Term Of Six Months), For The Reconfiguration And Migration Of The Existing City Wireless Network (Wi-Fi) To The Miami Beach Police Department; Including A Provision That Authorizes Service Calls At An Hourly Rate Of \$250.00, To Be Exercised At The Discretion Of The Miami Beach Police Department (And Subject To Funding Availability); And Further Authorizing The City Manager And City Clerk To Execute The Agreement, Upon Conclusion Of Successful Negotiations.
(Police)

ACTION: Resolution No. 2015-28959 adopted. Motion made by Commissioner Malakoff; seconded by Commissioner Grieco; Voice vote: 7-0. **Chief Oates to handle.**

City Manager Jimmy L. Morales introduced the item. About two years ago, the City decommissioned the Wi-Fi system that had been in place for a number of years for not having the adequate scope and bandwidth to provide reliable service. The Wi-Fi service will stop on May 1, 2015. The Police Department has indicated that the infrastructure for the Wi-Fi system could be extremely useful to them, and last Memorial Day they utilized it as part of the Police Department's surveillance mechanism. Mr. Morales explained that what is being asked is to spend \$17,000 to repurpose part of the infrastructure as a pilot program to determine if it is worth continuing.

Police Lieutenant David Hernandez explained that the system infrastructure in place they believe could be used with microwave equipment connected to the Police Department's camera systems, command vehicle and license plate reader system. When there is any type of incident going on, people are on their cellular telephones fighting for the same bandwidth as the Police, and all the cameras slow down. What the Police wanted to do as a pilot program is have the company that built and installed the Wi-Fi system to convert part of it for Police use, once it is stopped being utilized by the public. The Police will create a flat network and use it as a test program to see if the Police equipment can communicate properly with the system, and based on the results decide if it is feasible to continue to use the system.

Commissioner Malakoff inquired that the system did not work for the public, how it could work for the Police Department.

Lieutenant Hernandez explained that the Police Department is not dependent on the poles. The public is dependent on using all the locations around the City to access with their cellular telephones or laptops to get onto the Wi-Fi. The Police Department is interested in the backbone of the system only; the equipment that is on the rooftops. There are several rooftops in the City where the Police Department has its radio system and this Wi-Fi system. The Police Department would put microwave devices that communicate to those other devices and that is how they would get the signal through. The Police Department is not dependent on what the public was using.

City Manager Morales stated that if it works, they would come back to the City Commission with a contract.

Commissioner Tobin stated that it is a relatively small investment for a big upside if it works.

Commissioner Steinberg stated that she is agreement with it for the first phase for \$17,000. However, she wants to make sure that it is tested properly before the Commission commits \$60,000 annually to this.

2:18:51 p.m.

R7N A Resolution Urging The State Legislature And Miami-Dade County School Board (School Board) To Reduce Class Sizes In Miami Beach Feeder Pattern Schools To Conform To Article IX, Section (1)(a) Of The Florida Constitution; And Lobby The State Legislature To Expand The List Of "Core Curriculum" Courses Rather Than Continue To Eliminate Core Curriculum Courses, Like Advanced Placement Classes, From The Class Size Amendment Requirements Of The Florida Constitution By Calling Such Courses "Extracurricular"; And Call Upon The School Board To Voluntarily Subject Itself To The Class Size Requirements For All Classes, Whether They Are Considered Core Curriculum Or Extracurricular.

(Sponsored by Commissioner Michael Grieco)
(Legislative Tracking: Office of the City Attorney)

ACTION: Item deferred to the March 18, 2015 Presentation and Awards Commission Meeting. Lilia Cardillo to place on the Commission Agenda if received. **Dr. Leslie Rosenfeld to handle.**

10:30:31 a.m.

R70 A Resolution Authorizing The City Manager To Execute The Settlement Agreement Attached Hereto As Exhibit A, In The Matter Entitled: *Miami Beach Community Church, Inc. (MBCC) And South Beach Tristar, LLC (Tristar) V. City Of Miami Beach (City), Et Al*, Under Circuit Court Appellate Case No.: 14-473 AP [Lower Tribunal Case No: HPB SM 14-003; HPB File No.: 7424].
(Office of the City Attorney)

ACTION: Resolution No. 2015-28960 adopted. Motion made by Commissioner Weithorn; seconded by Commissioner Malakoff; Voice vote: 7-0. **Office of the City Attorney to handle.**

Eve Boutsis, Deputy City Attorney, explained the item. Ms. Boutsis provided a procedural history of the events. The Resolution before the Commission also has an attached settlement agreement. In May 2014, the Historic Preservation Board unanimously agreed to the certificate of appropriateness for the Community Church at 1620 Drexel Avenue. There was a request that came before this Commission by the City Manager to hear a possible rehearing on that item, ultimately, after representations by the Miami Beach Community Church and Tri-Star that request for re-hearing to the City Commission was dismissed. Thereafter a community group called MDPL (Miami Design Preservation League) filed a request for a rehearing that was heard in August of last year. The decision was 4-3 not to grant rehearing. That decision was appealed to the Historic Preservation Board Special Master by MDPL. The Special Master issued his ruling on October 30, 2014, and there were a couple of procedural items that the Office of the City Attorney deemed that the Special Master had exceeded his authority. Nevertheless, within the time for an appeal, an appeal was taken, as a petition for certiorari to the Circuit Court Appellate Division by the Church and Tristar. Thereafter, an original proceeding, called FLUEDRA (Florida Land Use and Environmental Dispute Resolution Act.) was filed pursuant to Florida Statutes Section 70.51. This is an alternative dispute process where the first course of action is mediation. After a Special Magistrate is selected, note that it is not the same magistrate or the same Special Master as was utilized in the appeal of the Historic Preservation Board; it was Murray Greenberg, the former County Attorney. Thereafter, if the parties do not settle at the mediation, which is a public mediation unlike other types of mediations held in the City, this is where the community is involved, and any interested person can attend, it is publicly noticed and after the mediation, if the parties do not resolve their dispute, the parties go to an actual Special Magistrate hearing. The parties are at the point now, after the February mediation in the public forum that there is now a proposed settlement before the Commission. The settlement agreement provides that there will be compliance with the unanimous decision of the Historic Preservation Board in granting the certificate of appropriateness for the Church property. There will be conditions in the building permit process including providing the City an escrow agreement that the City would regulate for \$2.5 million for the restoration of the historic Church structure. There are conditions to make sure that the construction mechanism for the new structure will not interfere with the Church; and will not cause damage to the Church. There is an additional \$500,000 in the escrow account currently, and that is for the operating expenses of the Church, but that is not part of the City's settlement agreement. The City controls the \$2.5 million. There would be a dismissal of the lawsuit, which is the petition for certiorari in the Circuit Court Appellate Division. There would be a general release executed against the City. Tristar will pay all of the City's expenses, including the cost of the Special Magistrate, the court reporter and transcription costs. Tristar will indemnify the City against any and all third party claims with the City choice of outside council.

Commissioner Weithorn moved to approve the Resolution.

Commissioner Tobin asked if there was a modification or proposal on the table dealing with FLUEDRA and whether the Commission would take a position and modify the settlement in some way. Commissioner Tobin asked if Ms. Boutsis had received anything from MDPL or their lawyers

asking to modify the settlement agreement.

Ms. Boutsis responded that there was a communication that was withdrawn at some point, but it was resent to the Office of the City Attorney. Ms. Boutsis clarified that in the FLUEDRA proceeding there are only three parties, the Church, Tristar the tenant, and the City. So MDPL is not a party to the FLUEDRA proceeding. That being said, MDPL has asked for a deferral of this item because they would like to talk about settlement. In discussing the issues that were on the petition for certiorari because they disagreed with the Special Master in that he did exceed authority, the settlement is payment of these funds for the escrow agreement and an understanding that the order of the Special Master would be rescinded. Therefore, that would resolve all the issues.

Motion seconded by Commission Malakoff.

Commissioner Weithorn complimented Ms. Boutsis on a job well done.

City Attorney Aguila acknowledged Deputy City Attorney Eve Boutsis who represented the City on its first FLUEDRA proceeding and did an amazing job.

9:57:19 a.m.

R7P Amend Commission Meeting Agenda Items Policy And Commission Committee Agenda Item Requirements.

1. A Resolution Amending Resolution No. 91-20421 To Establish A Policy That Items Published In City Commission Meeting Agendas Include Sufficient Detail And Information For The City Commission And The Public To Evaluate The Items In A Reasonable And Timely Manner And Clarifying The Policy Set Forth In Resolution No. 91-20421 Regarding The Submission Schedule For Agenda Items Considered At City Commission Meetings.

(Sponsored by Commissioner Micky Steinberg)

(Legislative Tracking: Office of the City Attorney)

ACTION: Resolution No. 2015-28961 adopted. Heard in conjunction with R5B. Motion made by Commissioner Steinberg; seconded by Commissioner Weithorn; Voice vote: 7-0. **Office of the City Attorney to handle.**

9:57:19 a.m.

2. A Resolution Amending Resolution No. 94-21382 Concerning Commission Committees, And As Subsequently Amended By Resolution Nos. 97-22607, 98-22693, 2003-25446, 2013-28437, And 2015-28905, By Creating A New Paragraph 5 To Establish A Requirement That Items Published In Commission Committee Agendas Shall Include Sufficient Detail And Information For The Committee And The Public To Evaluate The Items In A Reasonable And Timely Manner.

(Sponsored by Commissioner Micky Steinberg)

(Legislative Tracking: Office of the City Attorney)

ACTION: Resolution No. 2015-28962 adopted. Heard in conjunction with R5B. Motion made by Commissioner Steinberg; seconded by Commissioner Weithorn; Voice vote: 7-0. **Office of the City Attorney to handle.**

10:58:55 p.m.

SUPPLEMENTAL MATERIAL 1: MEMORANDUM & RESOLUTION

R7Q A Resolution Approving And Authorizing The Mayor And City Clerk To Execute A New Employment Agreement With City Manager Jimmy Morales For A Four (4) Year Term, Commencing On April 1, 2015, And Ending On March 31, 2019; Further, As Provided Under The City Manager's Current Employment Agreement, Approving The City Manager's One-Time, Non-Pensionable Performance Initiative, To Be Awarded On March 31, 2015.

(Office of the City Attorney)

ACTION: Resolution No. 2015-28963 adopted. Motion made by Vice-Mayor Wolfson; seconded by Commissioner Malakoff; Voice vote: 7-0. **Office of the City Attorney to and Sylvia Crespo-Tabak to handle.**

City Attorney Raul J. Aguila summarized the terms of the City Manager's new employment agreement.

- Duration: A four-year term, commencing on April 1, 2015, and ending on March 31, 2019.
- Salary: Annual base salary for that term will be \$262,650, which includes a 3% one-time COLA increase.
- Bonus: A one-time non-pensionable bonus in the amount of 10% of his current salary, which would amount to \$25,500, which would be awarded on March 31, 2015.
- 457 Account: There would also be an increased City contribution in the 457 account that the manager currently contributes to, and the contribution would increase from \$3,900 to \$24,000 for the term of the contract.
- Other Terms: All of the other terms and conditions of the City Manager's contract remain the same.

As instructed by the Finance and Citywide Projects Committee, this employment agreement was negotiated between the City Manager and Vice-Mayor Wolfson.

Vice-Mayor Wolfson stated that they should be able to see the City Clerk's contract by the next City Commission meeting. The City Clerk and Mr. Wolfson will meet before that. Vice-Mayor Wolfson will present the terms of the City Clerk's employment agreement to the Finance Committee, and will bring the contract back to the April 15, 2015 Commission meeting.

City Manager Morales thanked the City Commission.

City Clerk's Note: Key Words: Employment Contract / Employment Agreement / City Manager's Employment Contract / City Manager's Employment Agreement.

1:34:44 p.m.

SUPPLEMENTAL MATERIAL 2: REVISED MEMORANDUM & RESOLUTION

R7R A Resolution Accepting The Recommendation Of The Neighborhood/Community Affairs Committee At Its January 30, 2015 Meeting, And Accepting The Conceptual Plan As The Basis For A Final Design For A Proposed Neighborhood Park Located At The Former Par 3 Golf Course, 2795 Prairie Avenue, Miami Beach, Florida 33140, And Authorizing The Administration To Pursue A Request For Qualifications (RFQ) For A Design Consultant To Further Develop The Initial Design Elements And Finalize The Master Design Plan For The Proposed Park Project.
(Parks & Recreation)

ACTION: Resolution No. 2015-28964 adopted. Item heard with R9G. See action with R9G. Motion made by Commissioner Malakoff; seconded by Commissioner Tobin; Voice vote: 7-0. **John Rebar, Thomas Mooney and David Martinez to handle.**

John Rebar, Parks and Recreation Director, introduced the item. Mr. Rebar explained that both the Parks and Recreational Facilities Board and the Neighborhood/Community Affairs Committee (NCAC) have approved the initial design elements, and the Commission previously saw the full proposal. The conceptual plan has been produced in-house by the Planning Department, and it was very well received. The item today is to accept the conceptual plan as the basis for a final design for the proposed neighborhood park. Mr. Rebar stressed that this is not the final design. Before a final design is accomplished, there will be more community input meetings and more process, but this is where the City will start from.

Commissioner Tobin inquired if the City has anyone to seal the plans. Mr. Rebar responded that they did not, and that is one of the issues being faced. Mr. Rebar explained that the next process is for this to go to CIP for an RFQ in order create the construction documents and sealing the documents.

Vice-Mayor Wolfson asked if the Planning Department could draw it in-house. Vice-Mayor Wolfson asked City Manager Morales to see if he could figure out how to do this in-house. Vice-Mayor Wolfson stated that they are not going to that everything is done in house, but this part of the project, which is relatively straightforward, should be able to be done in-house.

City Manager Morales explained that what is being sought today is for the Commission to give the Administration direction to move forward. Before this returns to the City Commission, as the Administration would have to come back to the Commission with an RFQ or RFP anyway, the Administration would take a hard look and maybe come back with a recommendation that the City will do it in-house and maybe have it as an outside consultant so they can seal the plan.

Vice-Mayor Wolfson stated that he would be more than happy with an even more active park than there is being proposed right now. If the City Commission is supportive of this, maybe as the City develops a more complete design, they could throw in some more active uses for the people who live in areas where they might not have those active uses at their parks.

Commissioner Malakoff stated that she prefers that it remain a passive park, but with enough activities such as a walking path around the water, a bicycle path, a jogging path; we know there will be five tennis courts at the Scott Rakow end of the park. Commissioner Malakoff envisions the proposed park as a lovely place to stroll, bring the family, sit on the ground, have a picnic, play Frisbee, play ball but not have a stadium or soccer field. Commissioner Malakoff would like to see even more wetlands.

The consensus was to leave the issue of a more active park open for further discussion.

Commissioner Tobin stated that the question is how you define "active." Commissioner Tobin wants there to be places for people to run around and play. He does not want any organized sporting events. However, there should be some areas where kids can throw the Frisbee around and run around. Commissioner Tobin commented that the Administration was on the right path.

R9 - New Business and Commission Requests

R9A Board And Committee Appointments.
(Office of the City Clerk)

ACTION: The following appointments, reappointments and changes were made:

AFFORDABLE HOUSING ADVISORY COMMITTEE:

Allison L. Stone, *For-Profit Provider*

Term Ending: 12.31.2016

Appointed by City Commission

Term Limit: 12.31.2020

BUDGET ADVISORY COMMITTEE:

Jonathan Fryd

Term Ending 12.31.2016

Appointed by Mayor Levine

Term Limit 12.31.2021

Brian Harris, Financial Advisor Position

Term Ending 12.31.2016

Reappointed by City Commission

Term Limit 12.31.2019

[Steve Zack resigned as of 2.23.2015](#)

COMMITTEE ON THE HOMELESS:

Monica Fluke

Term Ending 12.31.2015

Appointed by Mayor Levine

Term Limit 12.31.2022

DESIGN REVIEW BOARD:

Deena R. Bell, ASLA

Landscape Architect

Term Ending 12.31.2015

Appointed by City Commission

Term Limit 12.31.2020

F. Michael Steffens, Architect position

Term Ending 12.31.2016

Appointed by City Commission

Term Limit 12.31.2020

GAY, LESBIAN, BISEXUAL AND TRANSGENDER ENHANCEMENT COMMITTEE:

Gayle Durham

Term Ending 12.31.2015

Appointed by Commissioner Grieco

Term Limit 12.31.2022

[Ronald Wolff resigned as of 3.02.2015](#)

HEALTH ADVISORY COMMITTEE:

Maura Shiffman, Ex-Officio, Council of South Florida Representative

Steven Sonenreich, CEO Mt. Sinai Medical Center Position

Term Ending: 12.31.2016

Appointed by City Commission

Term Limit: 12.31.2020

[Dr. David Farcy resigned as of 3.03.2015](#)

[Dr. Todd Narson was removed from the board in error. After notification of her error from the City Committee liaison, the Office of the City Clerk immediately reinstated Dr. Narson as a good standing member.](#)

MIAMI BEACH CULTURAL ARTS COUNCIL:

Samuel J. Rabin, Jr.

Term Ending 12.31.2016

Appointed by City Commission

Term Limit 12.31.2020

MARINE AND WATERFRONT PROTECTION COMMITTEE:

Marie Hernandez

Term Ending 12.31.2016

Appointed by Commissioner Weithorn Term Limit 12.31.2022

MIAMI BEACH SISTER CITIES PROGRAM:

Laura Colin (Other)

Term Ending 12.31.2015

Appointed by Mayor Levine

Term Limit 12.31.2022

[Monica Fluke resigned as of 2.20.2015](#)**NORMANDY SHORES LOCAL GOVERNMENT NEIGHBORHOOD IMPROVEMENT DISTRICT:**

John Bowes

Term Ending 12.31.2016

Reappointed by City Commission

Sec. 34-175

Brett Harris

Term Ending 12.31.2016

Appointed by City Commission

Sec. 34-175

Carmen Browne

Term Ending 12.31.2016

Appointed by City Commission

Sec. 34-175

PRODUCTION INDUSTRY COUNCIL:[To Replace Aleksander Stojanovic](#)[Term Ending 12.31.2014](#)**1:43:45 p.m.**

R9A1 Board And Committee Appointments - City Commission Appointments.
(Office of the City Clerk)

ACTION: See summary listing of appointments with R9A. The following appointments were made:

- Deena R. Bell is appointed to the *Landscape Architect* position on the Design Review Board.
- F. Michael Steffens is appointed to the *Architect position* on the Design Review Board.
- Brian Harris is appointed to the *Financial Advisor* position on the Budget Advisory Committee.
- Allison L. Stone is appointed to the *For-Profit Provider of Affordable Housing* position on the Affordable Housing Advisory Committee.
- Steven D. Sonenreich is reappointed to the CEO Mt. Sinai Medical Center Position on the Health Advisory Committee.
- Samuel J. Rabin, Jr., is appointed to the Miami Beach Cultural Arts Council.
- John Bowes is reappointed to the Normandy Shores Local Gov. Neighborhood Improvement District.
- Brett Harris is appointed to the Normandy Shores Local Gov. Neighborhood Improvement District.
- Carmen Brown is appointed to the Normandy Shores Local Gov. Neighborhood Improvement District.

DESIGN REVIEW BOARD:

Rafael E. Granado, City Clerk, explained that there are two vacant positions. Commissioner Malakoff has nominated Deena R. Bell, ASLA, for the Landscape Architect position, and F. Michael Steffens for the Architect position.

Commissioner Malakoff explained that she met with each of them and checked their references

and they would be good members of the board.

MOTION:

Motion to nominate Deena R. Bell, Landscape Architect position, and F. Michael Steffens, Architect position; approved by acclamation.

BUDGET ADVISORY COMMITTEE:

Commissioner Grieco withdrew Mr. Carl Linder's nomination and co-nominated Brian Harris in the Financial Advisor position.

MOTION:

Moved and approved by acclamation.

AFFORDABLE HOUSING ADVISORY COMMITTEE:

Commissioner Malakoff suggested appointing Allison L. Stone to the for-profit provider of affordable housing position on the Affordable Housing Advisory Committee.

MOTION:

Motion made to appoint Ms. Stone; approved by acclamation.

HEALTH ADVISORY COMMITTEE

Commissioner Malakoff explained that there has to be a position on the committee for the CEO of Mt. Sinai Medical Center.

MOTION:

Steven D. Sonenreich was reappointed to the CEO Mt. Sinai Medical Center Position by acclamation.

MIAMI BEACH CULTURAL ARTS COUNCIL:

Commissioner Malakoff stated that Samuel J. Rabin, Jr., is interested in serving on the Council.

MOTION:

Moved and approved to appoint Mr. Rabin by acclamation.

HISTORIC PRESERVATION BOARD:

Rafael E. Granado, City Clerk, explained that Commissioner Steinberg nominated Scott Needleman in the MDPL position.

Commissioner Malakoff nominated Mr. Lane, but Mr. Lane recused himself as he does business with the City, and she nominated Mr. Steffens for the Design Review Board because the need is great.

Commissioner Steinberg stated that Mr. Needleman would be a great balance in HPB.

Commissioner Malakoff explained that she would rather see an urban planner or an architect in that position. She reached out to John Stewart, who heads up the FIU Department Urban Design for FIU on Lincoln Road and reached out to Cheryl Jacobs, who is the Executive Director of the AIA for recommendations.

CLARIFICATION:

Commissioner Malakoff clarified that when she spoke to John Stewart and Cheryl Jacobs for recommendations for an architect or urban planner or faculty member, it was for the **Planning**

Board; she did not ask for Historic Preservation Board. Item deferred to the April 15, 2015 Commission meeting.

Commissioner Weithorn stated that Scott Needleman is knowledgeable in the subject.

Commissioner Grieco would like to be presented with some options. He may support Scott Needleman but is not ready to vote.

MOTION:

HPB appointment to fill the vacant position (MDPL) is deferred to the April 15, 2015 Commission Meeting. **Rafael E. Granado to handle.**

NORMANDY SHORES LOCAL GOVERNMENT NEIGHBORHOOD IMPROVEMENT

Rafael E. Granado, City Clerk, announced that nominations have not been received from the City Commission; however, the neighborhood has recommended three individuals.

Discussion was held as to the process for communicating this to the City Commission.

Commissioner Weithorn owns property in that district and they have traditionally nominated their own boards.

Discussion continued.

City Clerk Rafael Granado informed the City Commission that he included the names on Page 687 of the Commission Agenda. He read the names into the record: John Bowes (is eligible for reappointment); and Brett Harris and Carmen Brown are eligible for appointment.

MOTION:

Moved and approved to reappoint Mr. Bowes and appoint Mr. Harris and Ms. Brown by acclamation.

Handouts or Reference Materials:

1. Memorandum from Rafael E. Granado, City Clerk, to Mayor Philip Levine and Members of the City Commission dated March 6, 2015, RE: City Commission At-Large Nominations for March 11, 2015, Releases.

8:31:53 a.m.

R9B1 Dr. Stanley Sutnick Citizen's Forum.

ACTION: The following individuals spoke:

1. Hugh Chernowiski thinks that as musicians, they deserve more respect than what they get. He explained that there was an incident on February 15, when he was asked to relocate by an Officer who did not have the best customer service or respect. On another day, while he was playing his instrument, an Officer approached him as he was playing because she had received noise complaints against him. He does not appreciate being treated that way.
2. Benjamin Burstein, Teens for Teens member, is starting an organization to try to promote politics and political literacy throughout Miami Beach. Coming upon with the new Centennial is time to bring in proposals and an opportunity to create support for voters. There are not enough programs for teens to get involved. It is time to promote politics for teens who are being alienated on these issues. He is offering an opportunity to partner with Teens for

Teens to better integrate teens with politics and representation within the community. The problem is that teens are not being heard.

Mayor Levine suggested during each election year to hold a mock election at Miami Beach High School and congratulated him for his presentation.

3. Stanley K. Shapiro stated that the Chamber of Commerce last week did one of the most despicable acts in the 40 years he has lived here, when they turned down Baptist Hospital as a member. Mr. Sonenreich appeared before the Tuesday Morning Breakfast Club and 90% of the group was opposed to them. He felt sad because Mr. Sonenreich was by his side when Mr. Shapiro was hospitalized. The City has given Mt. Sinai \$12 million, and for them to lobby against Baptist Hospital is a public disgrace. Baptist Hospital is recognized as the friendliest hospital in Miami-Dade County. He is ashamed of the Miami Beach Chamber and the community is ashamed. He thanked the City Commission for all they are doing for the Centennial.

Commissioner Malakoff clarified that she had nothing to do with the vote of the Chamber. When she served as Chair of the Chamber, they never turned down any applicants that wanted to become members of the Chamber. She is not on the executive board of governors; she is a past chair.

8:45:51 a.m.

Mayor Levine explained, for the public and the audience, that in celebration of the 100 Birthday of Miami Beach on March 26, 2015, the City Commission and Administration had the idea for everyone to come up dressed in different costumes from the past decades. He is dressed as Don Johnson, Commissioner Malakoff is dressed up as Barbara Capitan, Commissioner Steinberg is dressed in a 1960s style outfit, City Manager Morales is dressed as Elvis Presley, Eve Boutsis is the impersonation of Al Capone in the 1940s and Rafael E. Granado is dressed in a 1950s style.

8:47:45 a.m.

Mayor Levine called a recess.

1:07:01 p.m.

New Item:

Vice-Mayor Wolfson explained for the audience that in commemoration of the Centennial, employees have dressed up in customs from the different eras. He encouraged everyone to visit MiamiBeach100.com and enjoy the upcoming Centennial events. Costume contest held.

1:06:43 p.m.

R9B2 Dr. Stanley Sutnick Citizen's Forum.

ACTION: The following individuals spoke:

1. Stanley K. Shapiro mentioned that this morning while at McDonalds there was a truck parked on the street, and he asked the driver if he had a permit; the truck driver asked him if he was a Police Officer, and that was the end of that conversation. He asked if the Chamber would vote again on the Baptist Hospital membership.

Vice-Mayor Wolfson explained that they would hold an emergency meeting to discuss the issue.

Mr. Shapiro asked City Attorney Aguila about the reputation of the senior citizens group that Mr. Shapiro runs, and City Attorney Aguila's answer was that it was positive. Mr. Shapiro requested to bring his request for funds for the senior group up at the next Commission meeting, but prior to that meet with each individual Commissioner to discuss his request. Mr. Shapiro looks forward to the fabulous 100-year anniversary.

2. Commissioner Steinberg recognized the artwork in the back of the Commission Chambers created by students in the public schools to celebrate the City's Centennial.

1:53:59 p.m.

R9C Update On The Miami Beach Convention Center Project.
(City Manager's Office)

ACTION: Update given.

Maria Hernandez, Convention Center Project Coordinator, explained that the RFP was issued on March 2, 2015. A pre-proposal meeting is scheduled for next Thursday, and they have the first draft of the form agreement to be reviewed in the next few days. The plan is to get that finished and issue the addendum by March 20, 2015, which is 10 days prior to the deadline for questions. They City is on target to give selection recommendations for the April 29, 2015 Commission meeting. She added that regarding the "Apollo" mural, they have had preliminary discussions with Faena, who is donating the piece to the City, to possibly be located in front of the Fillmore on the southeast corner, if there is consensus. The piece is in a safe place for now but they need to find a place for all the pieces in the long term for storage. She will visit the site with a conservator to obtain an estimate of what it would cost, and they hope to find funding from the Art in Public Places Committee budget. She will make a presentation to the Arts in Public Places Committee next week to get support from them. She thinks it can be a win-win situation.

Commissioner Weithorn asked to reach out to Mitch Novick from the Preservation Community and invite him to speak at the Art in Public Places Committee. **Maria Hernandez to handle.**

Ms. Hernandez added that she will bring authorization to get a price for the storage cost on the restoration of the art piece, and she hopes that this will be cost-effective with the installation.

Mayor Levine asked if the piece could be stored outside.

Ms. Hernandez explained that the art piece can be stored in the future staging six-acre area, it can be roped off and protected there, and then put it back together in a way that is assembled the way it is going to be on the wall. That is one location, although she needs to see how much area they would need. On the Hotel Referendum, the RFP was issued in January, and proposals are due April 10, 2015. On May 20, 2015, they still plan to bring a recommendation for a hotel developer and on July 29, 2015, they will bring approval for the referendum language and final lease. On September 4, 2015, the final referendum language is due to the Supervisor of Elections.

2:00:02 p.m.

R9D Request A Traffic Impact Study For The Residential Streets Of North Bay Road, Pine Tree And La Gorce Drive, Which Are Being Used As Short Cuts By Commuters To Avoid The Traffic On Alton Road Heading North.

(Requested by Commissioner Joy Malakoff)

(Continued from February 11, 2015 – R9P)

ACTION: Discussion held. See also discussion with Item R9G and R9R.

Josiel Ferrer, Transportation Coordinator, stated that Jose Gonzalez, Transportation Director, is in Tallahassee and that is why he could not make it today. He explained that regarding this study, in order to figure out if cut through traffic and the percentage of cut through traffic going through North Bay Road, Pine Tree and La Gorce Drive, they would have to do a localized study to see if commuters are actually taking the route, and what percentage are taking the route to get to North Beach and to get to South Beach. Typically, the studies are very involved and tend to be on the expensive side. He asked for direction from the City Commission to engage a consultant to complete the study.

Commissioner Malakoff stated that taking the shortcuts by commuters is only heading north; heading south in the morning, they do not take that shortcut.

Discussion held regarding shortcuts routes and options.

Commissioner Tobin asked if there is a creative way to restricting the traffic that cuts through Miami Beach to go down I-95.

Mr. Ferrer stated that it is difficult to force traffic in a certain direction, as they typically see an impact on those roadways that you are restricting traffic to; and they want to monitor and eliminate a great deal of the commuter traffic from the local roads.

Commissioner Grieco addressed some concerns. In the next year or two, FDOT will be doing a project on the north end of Alton Road, but if that was not the case, and they did a traffic study that proved that commuters were cutting through certain neighborhoods, what would Mr. Ferrer recommend the City do?

Mr. Ferrer explained that there are various options for cut through traffic, one is to limit some of those movements for the side streets, by limiting the inbound movements and allowing people to come out; they can also experiment with traffic calming measurements, and making it less appealing for commuter traffic to take those roadways.

Discussion continued regarding traffic study.

Commissioner Grieco stated that Alton Road will be a construction zone in a couple of years, and until the County decides and implements a two-way traffic on La Gorce and Pine Tree, they do not know what effect it will have south of Alton. Commissioner Grieco is unsure if it is the right time to conduct such a study.

Mr. Ferrer stated that La Gorce and Pine Tree are County roads that already have traffic calming; he does not know how much they can do on those roads.

Discussion continued.

Commissioner Steinberg stated that this morning when discussing the North Beach traffic item, part of what they are doing in moving forward, will hopefully alleviate some of the traffic impact in the Mid-Beach area, and the Commission should wait and see what takes place. This is not just a quality of life issue for the North Beach residents, but it is also impacting the Mid Beach residents as well during the North Bound rush hour. She suggested waiting to see what the restrictions on the bridge are and the timing of the light and its optimization, and perhaps they can alleviate traffic without doing the study at this time.

Commissioner Weithorn stated that she likes doing studies for empirical evidence, and asked if the City's Transportation Department can do some car counts now and then compare it to when the synchronization of lights occur. With such comparison, they will know if the problem persists and needs readdressing. By doing a count today, the City will have empirical evidence for comparison to see if there is an impact. It is important to have a baseline. Commissioner Weithorn added that the upcoming Alton Road construction must include a mitigation plan, and maybe add some signage for road closures and local traffic only. The answer is to figure out what to do and get ahead of it, not behind it.

Commissioner Malakoff thinks the plans for Alton Road is for 2016/2017 and she suspects that this is an expensive study and suggested waiting until that is over.

Commissioner Grieco thanked Mr. Ferrer for the presentation.

12:01:31 p.m.

R9E The Committee Of The Whole Will Meet On March 11, 2015 In The City Manager's Office Large Conference Room To Discuss The City Manager's And City Clerk's Employment Contract.
(Office of the City Manager)

ACTION: Raul J. Aguila, City Attorney, announced that the Committee of the Whole is cancelled.

2:25:43 p.m.

R9F Update Regarding The Miami Beach Community Development Corporation (MBCDC) Audit Findings.
(Office of the City Manager)

ACTION: Update given.

Maria Ruiz, Housing and Community Services Director, explained the audit findings. The report showed that there were quite a few irregularities, on the side of MBCDC, and there were shortcomings.

A couple of years ago, there was a change of administration over at the then Office of Housing and Community Development. As Ms. Ruiz and the new administration came in and started to take a look at operations and all the funding sources, as well as the agreements executed, several things came to their attention that were of great concern. Because of that process, they reached out to the U.S. Department of Housing and Urban Development (HUD) and other funders working with the Miami Beach Community Development Corporation (MBCDC), who was the single greatest

recipient of HUD dollars, to bring to their attention issues prevalent with the organization. She acknowledged that Beatriz Cuenca-Barberio, Executive Director of MBCDC, is in the audience. Through the process, the City contracted with Grant Thornton, LLC to conduct a forensic audit of the Allen Apartments on Washington Avenue across the street from the Convention Center and the Neptune Apartments at 1632 Meridian Avenue. These two projects were selected because they appeared to them, based on informal reviews, as the first project where they felt things did not go right, as well as the last project. The audit report showed that there were quite a few irregularities that took place; some on the side of MBCDC, as well as some shortcomings on the staff side who failed to conduct proper oversight and monitoring, which were of great concern to them. The important thing is that when Ms. Ruiz came on board in 2013 and they realized what they had inherited, steps were taken early on to try to safeguard the City in the process, and since these are HUD funds, the City is obligated under HUD to guarantee those funds. The \$1 million that is unaccounted for in this audit report, the City may be responsible for repaying those funds. Ms. Ruiz has worked to ensure that they secure the assets guaranteed, and that is why City acquired the London House, the Barclay, the Neptune, the Madeleine and the Lottie. In the event that City cannot work out an agreement with HUD to resolve the issue, at least they have the assets to cover the liability. Because of these actions, the City is in a stronger financial position now. In the time that Ms. Cuenca Barberio joined MBCDC, they have seen a level of cooperation that they did not have prior to that. Ms. Barberio has given information as requested, but also consented to review of their financial files, which is so important to the City. Ms. Ruiz reported that almost all of MBCDD's previous staff has been terminated or turned over in the past 18 months. MBCDC has a relatively new staff, new processes and procedures, they closely monitor and have checks and balances for every fund that goes forth; they do not provide for advance draws without the authorization of the Mayor, City Commission and City Manager. This way, the City is ensured that the mistakes of the past will not be replicated going forward. They still have HUD monitoring now, they were here for three weeks and will continue to be here until they assess the situation fully. Ms. Ruiz will work diligently to make sure that the City will not have to repay any money tied to any of these projects.

Commissioner Weithorn asked if they have met with auditors and staff to see if they have any comments, so that they can take action and begin remediating, so that HUD understands that the City is serious about this.

Ms. Ruiz explained that she met with the external auditors in the beginning of the process and they were provided with the forensic audit report. They came forth to HUD and presented the findings and steps to remediate. HUD also found other things that they have a 30-day period to cure.

Discussion continued regarding audit report and remediation process.

Ms. Ruiz added that on July 2013 they went to HUD and gave them a preliminary report of all the irregularities. When HUD came on site, they were presented with a detailed listing by project of all the things that went wrong.

Commissioner Tobin explained that for six years he kept telling the previous City Commission and staff, as well as the board of MBCDC, that there were irregularities or fraud and he asked why Roberto DaTorre is not being prosecuted.

City Manager Morales explained that this is not within the City's jurisdiction; the Administration has provided information to the State Attorney's Office and HUD.

Discussion continued regarding audit process.

In response to Vice-Mayor Wolfson's question, Ms. Ruiz stated that the single biggest standard that triggers repayment is if ineligible costs were covered with HUD funds. In the case of some of the funded projects, they provided advance payment to the State, but they do not have cancelled checks to show that the money was expended actually. In addition to funds that were not administered properly, i.e., appropriate procurement did not take place; one must show that procurement takes place, that and that rules are being followed and there are a few instances where the rules were not followed.

Discussion continued.

Vice-Mayor Wolfson asked what the range is of dollars that HUD can ask the City to pay back.

Ms. Ruiz stated that realistically they could ask for every penny given to MBCDC through NSP and HOME monies, which is in the range of \$12 million, but she thinks that realistically they are looking at up to one million dollars, but they are fighting not to pay back anything. The solution would be to pay that money and then they would have the obligation to expend the money and repay themselves back in affordable housing, and the only way would be to sell the properties. She added that properties that need massive renovation, she could use HOME and CDBG monies to make those repairs.

Discussion continued regarding moneys owed and renovating properties.

Jimmy L. Morales, City Manager, recognized Maria for the phenomenal job she is doing.

9:57:40 a.m.

SUPPLEMENTAL MATERIAL 1: MEMORANDUM

R9G Discussion Regarding Traffic In North Beach.

(Requested by Commissioner Micky Steinberg)

ACTION: Discussion held. Heard in conjunction with R9R. Motion made by Commissioner Steinberg to send a formal request to the Coast Guard regarding limiting the operation of the bridges at 63rd Street during peak hours and to put procedures in place for emergencies occurring on the Venetian Islands; seconded by Commissioner Grieco; Voice-vote: 7-0. **Jose Gonzalez and Chuck Tear to handle.** See also discussion on Item R9G.

Commissioner Steinberg stated that she thinks item R9R is a separate item. She wanted to speak about daily traffic without special events. The signalization of lights is something that has been discussed. She reached out to William Paz at the County and was told that the green light on the northbound traffic has been added some time, and this has made a difference for evening traffic. She also requested the log of bridge activity during last year, and unfortunately, during peak hours it can go up three or four times on a regular day. She gave some statistics and asked to discuss special events separately.

Michael Lieberum, Seventh Coast Guard District Bridge Branch, explained that they met to discuss changing the regulations on the 63rd bridge, and they simply need a request from the City. At that point, they can start the regulation process, which is rather long. The next step after the request, which takes about a month and a half, is a notice period, and after that period, they can move forward with the final process, which takes about one year. However, to start the process they need an official request to be sent in by the City.

Commissioner Grieco stated that one person in one boat negatively affects hundreds of people when the bridge opens up. This issue is huge and there is no method to the madness.

Discussion held.

Commissioner Weithorn asked what specific type of request they are looking for.

Kathie G. Brooks, Assistant City Manager, explained that she has been working with them and they are looking at locking the bridge down during rush hours; however, the City wants to look at the exact hours, and are pulling traffic data to obtain this information.

Discussion held.

Motion made by Commissioner Steinberg to send a formal request to the Coast Guard, and added that just like the Miami Bridge has the hours when the bridge cannot go up, she wants to make sure that the Administration takes into account the peak times for this bridge.

Commissioner Tobin suggested a friendly amendment and asked to take a look at the Venetian Causeway bridge as well, since there was an incident last year where an ambulance could not reach a victim of a heart attack within 30 minutes due to the bridge being up.

Jimmy L. Morales, City Manager, stated that as part of the issue involving the west end of the Venetian Causeway being worked on, the proposals the Coast Guard put forth is to keep the east bridge closed; and they are also discussing keeping the 63rd bridge closed during rush hour. They just need the traffic data.

Commissioner Tobin requested that perhaps the Emergency Management Department could put procedures in place for emergencies to make sure rescue vehicles get to a sick person in the Venetian. **Chuck Tear to handle.**

Mayor Levine asked if the Venetian Eastern Bridge is down during construction, will boaters be allowed to go west through the western bridge.

Mr. Lieberum clarified that almost all the vessels near the east Venetian Bridge will be able to go around, but is a matter of time; it will affect some businesses in that area, but they are waiting for Miami-Dade County to give them a start date. The bridge should open only for U.S. Coast Guard and the Fire Boats that need to get through the bridge.

Discussion continued.

Moved by Commissioner Steinberg; seconded by Commissioner Grieco.

Handouts or Reference Materials:

1. Email from Rafael Granado, RE: Time certain request dated March 10, 2015 RE: Michael Lieberum, Seventh Coast Guard District Bridge Branch and Rob Glassman, Transportation Assistant, USCG D7 Bridge Branch.

2:37:07 p.m.

R9H Discussion On Adding Padel Tennis Courts To The Flamingo Park Master Plan.
(Requested by Mayor Philip Levine)
(Legislative Tracking: Parks & Recreation)

ACTION: Discussion held.

DIRECTION:

Find locations where to play padel tennis and come back with options.
Reach out to the Florida Panthers to discuss a possible hockey exhibition game at Scott Rakow.

Mayor Levine stated that padel tennis is a new sport that many people are playing and he asked if this could be added to the Master Plan for Flamingo Park.

John Rebar, Parks and Recreation Director, explained the game of padel tennis and added that this is one of the hottest things in racquet sport. It follows the same rules as tennis, but it is played in courts that are smaller than traditional tennis courts. The Master Plan for Flamingo Park was accepted as is, and with the idea of padel tennis now, he needs direction from the City Commission to see if it wants to include it and find a location.

Vice-Mayor Wolfson is in support of padel tennis.

Discussion held.

City Manager Morales stated that they would need to go through the process of getting community input.

Vice-Mayor Wolfson asked to do two padel tennis courts at the Banyan Tree Park.

Mayor Levine gave Mr. Rebar direction to find locations where to play padel tennis.

Commissioner Malakoff explained that if the Flamingo Park area is in favor of this sport, it makes more sense than squeezing it in at Banyan Tree Park.

Discussion continued regarding locations and options.

Mr. Rebar stated that there is a World Padel Tour in 2016 and they hope to bring one of the events to Miami Beach on a temporary hard pad on the sand, so anything is possible.

Commissioner Tobin suggested having ice equipment installed while renovating the Convention Center for a temporary ice rink for special events.

Discussion continued.

Mayor Levine explained that the owner of the Florida Panthers might be happy to make an exhibition for the kids when they open up the Scott Rakow Youth Center ice rink. He gave John Rebar direction to contact the Florida Panthers.

City Manager Morales explained that Maria Hernandez and he discussed temporary ice skating rink and this information will be disseminated. **Maria Hernandez to handle.**

Vice-Mayor Wolfson recognized John Rebar for his commitment to improve the quality of life of children in our community.

11:11:40 a.m.

2:19:54 p.m.

SUPPLEMENTAL MATERIAL 1: MEMORANDUM

R9I Update On The School Nurse Initiative Including Specific Details On The Children's Trust Recent School Health Program Request For Proposal.

(Requested by Commissioner Micky Steinberg)

ACTION: Update given. item heard in conjunction with R9Y.

Jerry Libbin, Miami Beach Chamber of Commerce Executive Director, explained that the Children's Trust has agreed to fund all eight schools in the Miami Beach feeder pattern for three more years; the coalition will stay together and contribute towards this goal.

Commissioner Steinberg introduced the item.

Dr. Leslie Rosenfeld explained that for the past two years, the City has partnered with neighboring municipalities, The Miami Beach Chamber of Commerce, The Children's Trust, Miami-Dade County Public Schools, The Health Foundation, and several other entities in order to provide health services at three of the schools on the feeder pattern who did not have on-site health services; North Beach Elementary, Treasure Island Elementary and Ruth K. Broad Center. The initiative has been extremely successful and does sunset at the end of this year. Fortunately in the past month, The Children's Trust has put out their RFP for school healthcare programs and the Miami Beach feeder schools, all eight of the City's schools, were included as part of the pre-selected schools to receive a health suite out of 145 schools preselected. She introduced Bevone Ritchie from the Children's Trust.

Bevone Ritchie is representing Dr. Peter Gorski, M.D., M.P.A., Chief Health and Child Development Officer for the Children's Trust, who is not able to be here today. She explained that they are under the Cone of Silence; therefore, she is limited in her comments, so as not to disclose any additional information outside of what is in the RFP. The Children's Trust is funding all eight schools within the RFP and it is a competitive process. She explained that Borinquen Health is the provider and are in a pool of applicants that will continue to apply for the schools. This wonderful partnership with the City, the Foundation, the Chamber and with the provider of Borinquen to bring services to all eight schools is the model they like, since school health is an unfunded mandate. This year they have almost \$13 million to put back in the community, so one of the great partnerships is the additional dollars that are brought to the table for the purpose of supporting and enhancing this program. They would love for the partnership to continue.

Commissioner Steinberg thanked everyone involved and asked Karen Rivo to speak.

Karen Rivo, Chair of the Healthcare Task Force, spoke.

10:42:53 a.m.**SUPPLEMENTAL MATERIAL 1: MEMORANDUM**

R9J Discussion Regarding The Homeless, As Our Numbers Are Increasing Significantly.
(Requested by Commissioner Deede Weithorn)

ACTION: Discussion held.

Commissioner Weithorn explained that the homeless count is done twice a year. The numbers have been tracked for probably the last five years and they have increased to an alarming rate. She wants to have a discussion about the importance of having Homeless Outreach and the Police Department working together. She asked Maria Ruiz to elaborate.

Maria Ruiz, Housing & Community Services Director, explained that there is a greater increase in South Beach, because it is the perfect place to come and panhandle. She gave an overall review of the statistics from January and February 2015, and from a data perspective, when staff goes out at night to find where the homeless are so they can provide services, they are not finding them. The trend seems to be consistent; they come to the City and panhandle, get a great deal of money in Miami Beach, and then go back to Miami to spend the night. The hot spots are Lummus Park, Washington Avenue and the Collins Park area. On Washington Avenue, there are many stores that sell single alcohol containers, and they find the homeless in this area panhandling for a few minutes and walk in and get a beer and go back out and panhandle longer, so homeless found in said area are more aggressive and resistant to receive help. The Homeless Outreach Teams are working very closely with the Police, to try to use data to understand exactly who is here and why they are here. In summary, the majority of the people that the Homeless Outreach Team receives complaints about refuse assistance. They are not here because they are homeless. They are here because they are using the resources of our community in order to survive. The reality is that the Homeless Outreach Team is doing an exceptional job of going out and identifying people. The homelessness population seems to be divided into a group of three: those that come to panhandle in the daytime and then go back to the City of Miami; those that are mentally ill and refuse services, and a percentage that camp out on the beach, especially in Lummus Park on the sea grapes where they are not visible and on the Collins Park area.

Discussion was held regarding the count of homeless individuals that actually are on the City at night.

Ms. Ruiz added that there are many areas that she has pointed out to the Homeless Trust, that were not reflected in their census count that should have been. The homeless problem is becoming a little more difficult because how we identify the homeless is very different. There are seeing also many people who maybe receiving checks and actually have homes during the day, who are panhandling during the day as well. She added, for the record, that one of the earnest efforts made when they raised the issue of Washington Avenue, is that for those people who are mentally ill, the beach and the ocean are incredibly soothing and calming and they tend to gravitate here for the comfort. If she were to categorize the homeless population, it would be divided into those that panhandle here, because of the fact that they can make a lot more money a lot quicker than they can in Miami; then there are groups that actually do not live anywhere, and others who have adopted a lifestyle without responsibilities and obligations.

Commissioner Malakoff stated that both Walgreens and CVS have voluntarily stopped selling single cans of beer, and asked what they can do with the merchants, particularly on Washington Avenue, who continue to sell single cans of beer.

City Manager Morales added that the 7-Eleven on 9th and Washington voluntarily chooses not to sell. He has identified a list with addresses, who are the principals of all of the businesses along Washington and the side streets that sell, and they will do a friendly outreach and ask them to be good neighbors. Legally they cannot prohibit the sale of single cans, since they are pre-empted by State law, but the City can use community pressure and good neighborly tactics to try to get them to stop.

Ms. Ruiz added that one other initiative started since January is that in the 6:00 a.m. sweeps, when they find somebody sleeping on private property that is not posted with no trespassing signs, they are sending a picture to the property owner to advise them.

Commissioner Grieco added that the cure to people sleeping overnight is lighting. Lighting is one of the biggest solutions to these problems. Overnighters tend to find a secure place where there is no lighting; they congregate in the areas where there is no lighting. There is obviously a human element to this. There is no crime against being homeless. He applauded Maria Ruiz for the work they do, because she works as a social worker and is also responsible for addressing problems that come with it, mental health issues and drug and alcohol abuse issues. They are 100% in support of her work; Maria is a great asset and she is doing a great job.

Discussion continued.

Commissioner Weithorn asked if they can regulate environmentally sensitive areas, like the dunes, and make it illegal for homeless individuals to sleep there. She requested sponsoring the item and to bring back and add to the legislative authority. **Maria Ruiz and Office of the City Attorney to handle.**

Discussion continued regarding the legality and penalties for regulations.

Discussion continued.

R9K Presentation By FDOT On The Alton Road Design From The 40's To The 60's Section.
(Requested by Commissioner Deede Weithorn)

ACTION: Item deferred. Lilia Cardillo to place on the April 15, 2015 Commission Agenda. **Jose Gonzalez to handle.**

2:44:54 p.m.

R9L Update On Centennial Activities And Budget.
(Office of the City Manager)

ACTION: Discussion held.

City Manager Morales explained that at the last Commission Meeting they had the operating budget amendment where they asked for \$1 million potentially for City's expenses, and particularly the with 100 hours for Alpha/Bravo services, and he was directed to come back and refine the numbers. This is a budget that reflects the use of half of that money; they are continuing to refine the budget, and as of now, they are under \$500,000. As the event gets refined, they may need less for the week of activities, plus the Centennial book and Centennial Poster and the artwork that it is generating, including the collage done by Erica King. This is in addition to the \$1.5 million budgeted for the events throughout the year.

Mr. Sklar stated that this was specifically the additional \$1 million approved from Resort Tax at the last meeting geared for City services, and direction was given to break down how these City services were being used.

Commissioner Tobin asked if they could get a list of sponsors donating to the Centennial.

Mr. Sklar stated that at the last Commission Meeting they approved some sponsorships and they are still working on sponsorship sales; however, there are no new ones confirmed at this time; these will be brought forth at the March 18th Agenda. There are also private donations that are being sought; ticket sales and suite sales are going well, and there are other private donations to be finalized, but seem to be very positive to help offset the cost.

Commissioner Tobin asked for an update on the private donations.

City Manager Morales explained that City staff is not soliciting donations. ACT receives a percentage of sponsorships. He addressed the City Commission's concerns and explained that this budget includes Police details so elected officials are safely escorted to the various events.

Mr. Sklar stated that the budget also include shuttles for the community, specifically on Thursday, March 26, 2015, as well as other public safety strategies, such as Goodwill Ambassadors. There are three shuttle routes, one from North Beach, one from Middle Beach and one from South Beach.

Commissioner Tobin urged to engage the residents to learn about the shuttles, and to ensure that bathrooms are kept clean during this special event, since in the past, they have fallen short on bathroom clean up.

Mr. Sklar explained that porta-potty and bathroom facilities would have sufficient attendants.

Commissioner Weithorn requested discussion on what the contractual services are, so that they are transparent to the public on spending almost ¼ of a million dollars on outside services.

Mr. Sklar stated that much of the services are in the category of transportation, shuttles and intelligent transportation systems; in the parks it is geared towards the janitorial services and restrooms maintenance, also for traffic monitoring services, emergency management services, and command vehicles with cameras as a central communication hub, which comes with staff.

Commissioner Grieco stated that tickets were issued to residents and made available at the City Manager's Office. He suggested encouraging residents to show their IDs to allow residents into the Centennial events rather than getting tickets.

Discussion continued on ticket availability.

City Manager Morales also stated that residents can print their tickets online.

Mr. Sklar reported on the number of tickets that had been distributed.

Mayor Levine stated that they could expand the area so everyone that can get in. The key is to market the event, and they will work on that.

Commissioner Weithorn, for transparency purposes, requested a detailed cost breakdown. **Max Sklar to handle.**

Handouts or Reference Materials:

1. Centennial – City Services Budget

1:15:35 p.m.

R9M Discussion Item - CIBO Settlement - Continuum Development Agreement - Update.
(Office of the City Attorney)

ACTION: Discussion held. **City Attorney Aguila will transmit a letter to Mr. Di Donato. Office of the City Attorney to handle.**

Vice-Mayor Wolfson introduced the item in regards to the settlement agreement with CIBO restaurant.

Raul J. Aguila explained that this settlement agreement remained unexecuted. He communicated with Mr. Di Donato, CIBO's general manager, as to why the settlement agreement had not been signed, and Mr. Di Donato stated that he did not agree with CIBO's responsibility to repair the damaged fence that runs along the perimeter of the Continuum and Portofino towers. CIBO restaurant claims that the fence was damaged by the developer.

Discussion held regarding the damaged fence.

Commissioner Grieco stated that this was a condition of the agreement that Mr. Di Donato was aware of in the letter of agreement. Nothing has changed in the deal, so he sees no reason why the damaged fence issue is delaying the settlement agreement at this point. He does not believe the settlement agreement should be amended in any way.

Raul J. Aguila, City Attorney, stated that the settlement agreement was very strongly negotiated; there was a lot of consensus that had to be made. It was a good settlement for the City and residents.

Discussion continued regarding the damaged fence.

Vice-Mayor Wolfson asked why the fence repair provision could not be redacted from the settlement agreement.

Commissioner Grieco stated that the settlement agreement was a product of long negotiations with CIBO restaurant and the residents who had a list of demands. This settlement was the product of what was agreed upon, and at the time, Mr. Di Donato agreed to repair the fence.

Raul J. Aguila, City Attorney, stated that there were strong and minor points in the settlement agreement, and he believes the fence issue was a minor point. He will send a letter to Mr. Di Donato if the City Commission directs him to do so.

Mayor Levine suggested reaching out to Mr. Di Donato, including sending him a letter from the Office of the City Attorney.

Handouts or Reference Materials:

1. Color photographs of CIBO construction.

2:56:15 p.m.

R9N Discussion Of Scheduling First Reading On April 15, 2015, Of An Ordinance Amendment To The Land Development Regulations Modifying The MXE District Setback Requirements To Include Separate, Reduced Setback Requirements For Commercial Buildings, With A Lot Line On Collins Avenue, That Do Not Contain Any Hotel Or Residential Units.

(Requested by Commissioners Michael Grieco & Joy Malakoff)

ACTION: Discussion held. Motion made by Commissioner Malakoff; seconded by Vice-Mayor Wolfson to refer item to the HPB and bring back to Commission on first reading at April 15, 2015; Voice vote: 7-0. **Thomas Mooney to handle.**

RECOMMENDATION AND REFERRAL:

Historic Preservation Board

Thomas Mooney, Planning Director, introduced the item. This item was not approved on second reading during last November's City Commission Meeting, because a lack of a second to the motion. After consulting with Deputy City Attorney Eve Boutsis, the original sponsor could bring the item back to the agenda as a first reading to the next City Commission Meeting in April.

Commissioner Weithorn suggested that this issue needs to be discussed at the Historic Preservation Board, because she wants to make sure this item would not disrupt the integrity of the historic area.

Commissioner Malakoff agreed to refer the item to the Historic Preservation Board.

Thomas Mooney, Planning Director, will have the item discussed at the Historic Preservation Board meeting in early April and bring back to Commission on first reading at the April 15, 2015 City Commission Meeting.

2:59:28 p.m.

R9O Discussion And/Or Referral To The Land Use And Development Committee Regarding Consideration Of A Bicycle Path As An Addition To The Beach Walk.

(Requested by Commissioner Edward L. Tobin)

ACTION: Discussion held. Motion made by Commissioner Tobin to direct the City Manager to do whatever possible within his power to realize the Bicycle path from Miami Beach to Fort Lauderdale; seconded by Commissioner Weithorn; Voice vote; 7-0. **Elizabeth Wheaton and Jose Gonzalez to handle.**

DIRECTION:

Administration to look at options to move forward with bike paths.

Commissioner Tobin stated he wanted to take this moment to codify and make the bicycle path starting from First Street, Miami Beach to Fort Lauderdale a reality.

Mayor Levine stated he has reached out to every Mayor from here to Fort Lauderdale to see what can be done to make the continuous bicycle path.

City Manager Morales stated he had already directed his staff to discuss with the Florida Department of Environmental Protection to widen the beach walks to accommodate for a bicycle path.

3:02:11 p.m.

R9P Discussion Regarding A Budget To Provide Urban Planning And Other Appropriate Training For Land Use Board Members.

(Requested by Commissioner Edward L. Tobin)

ACTION: Discussion held. Direct the Administration to develop a budget and relevant topic areas to train Board Members. **Thomas Mooney and Eve Boutsis to handle.**

DIRECTION:

Bring professionals in-house to train board members

Commissioner Tobin stated that there have been discussions to have Land Use Board Members to have formalized professional training, and he believes this would be good because we could have regional leaders giving symposiums, invite other Cities, and our staff could benefit as well.

Commissioner Weithorn stated that they can do this, and it will be a good investment, but they need to keep in mind the costs. If the City provided a fund for each Board Member for training, it would be very expensive. What could possibly be done is have certain requirements, and ask for training credentials before people can become Board Members.

Commissioner Malakoff added that Gary Held, Former Assistant City Attorney, and Thomas Mooney, Planning Director, had trained Land Use Board Members, and she thinks all new members should be trained on conflict of interest, variance, contributing building, and other terms that people at large would not necessarily know.

Mayor Levine stated that they should bring in experts to the City, and have them teach here.

Commissioner Tobin directed the Administration and City Manager to develop a budget and relevant topic areas to train Board members.

Discussion continued.

Eve Boutsis, Deputy City Attorney, explained that she has already asked that all of the Land Use Boards devote 20 minutes every meeting to receive training on different topics.

3:07:35 p.m.

R9Q Discussion About Providing Refreshments For The Board And Committee Members That Have Day Long Meetings.

(Requested by Commissioner Edward L. Tobin)

ACTION: Discussion held. **Thomas Mooney to handle.**

Commissioner Tobin suggested providing refreshments for Committee Members who volunteer their time at these meetings.

There was consensus to do this within reason.

10:06:43 a.m.

R9R Discussion Regarding The 63rd Street Bridge And The 2016 Yacht Show And Traffic Impact.
(Requested by Commissioner Michael Grieco)

ACTION: Heard in conjunction with R9G. Discussion held. Item to come back to the April 15, 2015 Commission Meeting. **Max Sklar and Jose Gonzalez to handle.**

See also items R9G, R9D and R9R.

RECOMMENDATION:

Bring updated plan back on April 15, 2015.

Bring subcontractor/bridge operator and FDOT to the April 15, 2015 Commission meeting.

Commissioner Grieco addressed the traffic that is created during the Yacht Show, and he wants to know why it cannot be done differently so it does not impact so many vehicles, especially with the opening and closing of the 63rd Street bridge, but also the shutdown of the western most lane in the southbound Collins/Indian Creek, and what can they do to mitigate next year's Boat Show.

Max Sklar, Tourism, Culture, and Economic Development Director, stated that he has reached out to the producers, Show Management. They have started a dialogue to see what adjustments can be made regarding traffic. Show Management agreed to meet in early April. They are open to changing anything and everything that they in order to ease the traffic affect, including having all or partial loading to be done at night. They will come up with an alternative and present it to the City Commission for approval.

Mayor Levine asked them to present it at next City Commission meeting in April 15, 2015. **Max Sklar to handle.**

Commissioner Grieco agreed that alternatives must be presented in April 15, 2015, so that next year's Boat Show will have less of a traffic impact.

Commissioner Malakoff stated that weeks after the end of the Boat Show, chunks of polystyrene are found in the mangroves of Pine Tree Drive Park. It was explained that the Show Management has committed not to use polystyrene.

Max Sklar, Tourism, Culture, and Economic Development Director, stated that Show Management did two follow-up clean ups of the shoreline on both sides of the canal following the event. Show Management is also committed to doing another communitywide volunteer base clean up later in the year prior to next show.

Commissioner Weithorn expressed her discontent with the event coordinators, because they were told not to move in until after the bicycles from the Dolphin Bicycle Challenge had gone through, yet they did so anyway. This created an unsafe portion of the trip for the cyclist, because workers were crossing the street with equipment setting up the event.

City Manager Morales stated that one of the things that made the boat show traffic impact worse this year was the FDOT project that greatly increased traffic.

Michael Lieberum, US Coast Guard, stated that there are bridge operation regulations that would have eased traffic, but were not followed during the loading and unloading of the event.

Discussion continued.

Michael Lieberum, US Coast Guard, stated that the bridge operator is under a separate contract, because the bridge is run by FDOT.

Mayor Levine asked for this to be brought back to the City Commission meeting of April 15, 2015 and for the FDOT representatives to be present at the meeting. **Max Sklar to handle.**

3:08:31 p.m.

R9S Discussion Regarding Valet Parking.

(Requested by Commissioner Michael Grieco)

ACTION: Discussion held. Item referred to Joint Committee. Motion made by Commissioner Grieco to refer to a joint meeting of the Neighborhood/Community Affairs and the Finance and Citywide Projects Committees; seconded by Commissioner Steinberg; Voice-vote; 7-0.

Vania Pedraja to place on the Neighborhood/Community Affairs Committee Agenda; **Saul Frances to handle.**

Patricia Walker to place on the Finance and Citywide Projects Committee Agenda; **Saul Frances and Patricia Walker to handle.**

REFERRAL:

Joint referral to Neighborhood/Community Affairs and Finance and Citywide Projects Committees regarding Business Tax Receipts.

Commissioner Grieco explained that valet parking is chaotic in the City. There are good and bad operators, and even some that he considers impossible to manage. He wanted to address this issue, the same way the City addresses waste management.

Vice-Mayor Wolfson explained that this was discussed before and the City Commission decided not to go forward with it.

Commissioner Weithorn stated that this issue was in fact discussed before, and it did not develop, because there were complications. First, private property cannot be regulated with valet parking. The City regulates itself. Secondly, the City chose not to franchise because it would have been for a single or double franchise, there would not have been enough competition to have what the City Commission wanted. The garbage collection in the City works because there is competition and different pricing.

Commissioner Grieco added that traffic is a big problem in the City, and valet operators are not parking the vehicles where their ramps are contracted to park, and he has a list of complaints of what these valet operators are doing wrong. Some blocks have two or three valet ramp spots, many valet attendants are accepting vehicles in middle of the street, and not on the ramps, and some valet attendants even park in metered spaces. He is not accusing all valet operators of bad practices, but what is going on now does not work, it is a Citywide issue.

Discussion continued.

Commissioner Tobin stated that he agreed that the situation is chaotic, but the Parking Director can fix the problem with enough time and resources. This issue has many people with political interests, and underground money in the business.

Discussion continued.

Commissioner Grieco explained that Saul Frances, Parking Director, and he want to come up with ideas and solutions, and there are only so many resources that can be made available to the Parking Director to fix this problem.

Mayor Levine stated that he wants competition, because it is good for business.

Discussion continued regarding the pros and cons on the different ways to solve this problem. There was consensus to discuss this further to try to control traffic.

Vice-Mayor Wolfson is concerned with the regulatory act and the fact that some companies may be put out of business.

Commissioner Tobin stated that he will support whatever it takes to fix the problem, but this issue may not have many solutions. Something needs to be done.

Commissioner Steinberg wants to know what the impacts would be, and would like to refer this item to a committee. She reminded the City Commission that a contract was awarded to a valet service for the Convention Center for three years, and perhaps the City should have a conversation with them.

Mayor Levine suggested issuing licenses, and if the valet operators violate the law, they lose their license.

Discussion continued regarding solutions for parking and long-term solutions for traffic and regulations available.

Raul J. Aguila, City Attorney, explained that Commissioner Grieco is saying that because the proliferation of the valet business in the City, there should be more criteria that would regulate these valet operators. Commissioner Grieco's intent is not to confine himself to a franchise, since this limits the number of permits and competition. The fix might be done for example through legislation, whereby the valet parking Ordinance establishes minimum criteria. There are currently no minimum set of standards to regulate the valet industry. Having higher criteria may weed out the bad operations from first-rate operations.

Commissioner Weithorn, stated for the record, that this issue was previously dismissed by the prior Commission because the intent was politicized; but the intent now is to fix the problem and not politicize it, then she will support the item. She wants strict standards that do not limit competition, but allow for better business. She suggested limiting the spacing between operators.

11:49:10 a.m.

R9T Discussion Regarding North Beach Peak Hour Traffic, Multiple Failing Intersections, And Management Of The Collins Corridor.
(Requested by Commissioner Michael Grieco)

ACTION: Discussion held.

Commissioner Grieco addressed the intersections of 71st Street and Indian Creek, and Indian Creek and Abbott Road. There is only one road that goes South from that point, and thousands of cars pass through that area, there needs to be Police Officers controlling traffic and enforcing traffic laws, so that intersections are not blocked. Traffic is so bad, he wants to hear solutions.

Mayor Levine asked if there could be Police cars circling around Washington Avenue and Alton Road to help move traffic along, and issue tickets when necessary.

Police Major Causey explained that the Police Department writes traffic tickets every morning during their morning rush hour blitz.

Discussion continued.

Commissioner Grieco explained that one of the factors that make traffic so crippling in Miami Beach is that in many areas there are no alternate routes. Once a person is down certain roads, they are committed to stay on it until the next alternate route, which may not be for several City blocks. The problem is even worse when there is a car accident.

Mayor Levine suggested bringing this item back in April.

Josiel Ferrer, Transportation Coordinator, spoke on the new signalization and optimization of streetlights in the City's main corridor and announced that there will be a meeting with members of the Administration and County Mayor's Office to talk about this issue.

Discussion continued.

Commissioner Weithorn requested that staff from the Transportation Department go to North Beach in particular, both in the morning and in afternoon to look at the intersections of 71st Street and Bay Drive, because those are the hotspots where traffic is backed up. She has seen it backed up to 63rd Street, because people cannot make a left turn on 71st Street. If they are having a conversation with the County, someone should see this.

Josiel Ferrer, Transportation Coordinator, stated that a site visit was done last month, and as a result, they communicated, which resulted in the deployment of Police Officers to that area, because there were many issues of vehicles blocking the intersections.

Police Major Causey informed that he received an email from Transportation and the Chief brought up the idea of painting the solid white line to block the box as they do in Manhattan, and the email was forwarded to FDOT to do 41st Street as a pilot project.

Discussion held.

Commissioner Malakoff has not seen the fines posted for blocking the box as of yet.

Mr. Ferrer explained that they finalized the design, but they had an issue with the County. They directed their plans to FDOT and are currently under review for installation and maintenance by the City. This is a priority.

3:28:57 p.m.

R9U Discussion Regarding Waiving Remaining City Fees And Charges For The Miami Beach Gay Pride 2015, Which Includes Square Footage And Lummus Park User Fees.
(Requested by Commissioner Michael Grieco)

ACTION: Motion made by Commissioner Weithorn to approve item; seconded by Commissioner Steinberg; Voice-vote: 7-0. **Resolution 2015-28965 adopted. Max Sklar to handle.**

3:29:29 p.m.

R9V Discussion Regarding Miami Beach's Potential Participation In The U.S. Department Of Transportation Mayor's Challenge For Safer People, Safer Streets.
(Requested by Commissioner Michael Grieco)

ACTION: Discussion held. Moved by Commissioner Grieco; seconded by Commissioner Weithorn; Voice vote: 7-0. **Jose Gonzalez, Transportation Director, to handle.**

Commissioner Grieco introduced the item, which involves a program by the U.S. Department of Transportation to increase walking and biking, and reduce pedestrian and bicyclist fatalities. Many cities are already participating in this program nationwide, and he wants to make a submission to put Miami Beach into the program.

3:30:11 p.m.

R9W Discussion Regarding Starting Contract Negotiations With The Police And Fire Unions, And Having An Attorney/Client Closed Session At The April Commission Meeting.
(Requested by Vice-Mayor Jonah Wolfson)

ACTION: Discussion held. Motion made by Vice-Mayor Wolfson to give notice under both the Police and Fire contracts that the City intends to commence negotiations to modify agreements, and not go forward on a year-to-year renewal, and at the same time, schedule an Executive Session; seconded by Commissioner Grieco; Voice-vote 7-0. **Sylvia Crespo-Tabak to handle.**

Vice-Mayor Wolfson introduced the item. He spoke to the Finance and Budget Directors regarding the Police and Fire contracts. Vice-Mayor Wolfson wants to have a discussion with the City Commission regarding fair and consistent pension and salary reform.

Raul J. Aguila, City Attorney, stated that the first step is to provide written notice to the Unions that the City is ready to commence negotiations. Once that is done, negotiations will begin shortly, and an Attorney/Client session can be scheduled so the City Commission can discuss its goal and objectives.

Vice-Mayor Wolfson explained the details of providing written notice.

Mayor Levine agreed that they need to move forward with the negotiations, and not leave it to the last minute.

Raul J. Aguila, City Attorney, stated they should set up a companion item to schedule an Attorney/Client meeting for April to talk about the objectives, after which the Unions would be notified about negotiations.

Vice-Mayor Wolfson made a motion to give notice under both the Fire and Police contracts that the City intends to commence negotiations to modify agreements, and not to go forward on a year-to-year renewal, and at the same time schedule an Executive Session.

Commissioner Tobin stated that these contracts and the way they work can be very complicated, and can sometimes feel like travelling through a maze. There are people who can come to the City and explain these contracts, if there is enough interest.

In response to Commissioner Tobin, City Manager Morales stated that he has already asked Kathie G. Brooks, Assistant City Manager, to look into it.

3:36:15 p.m.

ADDENDUM MATERIAL 2:

R9X Discussion And Update From Code Enforcement, Miami Beach Police Department And The City Attorney Regarding The End Of Trike Rentals In The City Of Miami Beach.
(Requested by Commissioner Michael Grieco)

ACTION: Discussion held.

Commissioner Grieco gave an update and introduced the item.

Hernan Cardeno, Director of Code Compliance, stated that this City Commission has taken measures to regulate scooters and Segways, and as a byproduct of that, the new favorite for Miami Beach, which is trikes. While researching trikes, they learned that by Florida Statute they are considered motor vehicles that require registration. Last month, they provided formal notices from Police and Code to the 11 businesses that rent trikes, and notified them that rental of trikes are unlawful, and trikes are allowed to be used only on private properties and for sale. This month, Code partnered with the Police Department and they visited all of the establishments that previously rented trikes - eight of them no longer rent the trikes, but two of them actually rented trikes to undercover Police Officers, and those trikes were seized and Code Compliance followed up and issued violations to those two businesses. The Police Department overall has seized 37 trikes.

Commissioner Grieco commended Alex Boskner in the Office of the City Attorney for all the work.

Commissioner Weithorn and Mayor Levine congratulated them on a job well done

11:02:58 a.m.

ADDENDUM MATERIAL 2:

R9Y Discussion Regarding The City Of Miami Beach's Funding Partnership With The Miami Beach Chamber Of Commerce.

(Requested by Philip Levine)

ACTION: Discussion held. Item heard in conjunction with R9I.

Former Commissioner Jerry Libbin, who is the President and CEO of the Miami Beach Chamber of Commerce, introduced Michael Goldberg.

Michael Goldberg, Chairman of the Board of the Miami Beach Chamber of Commerce, stated that they would be happy to promote the prohibition of sale of single cans of beer, per Commissioner Grieco's comment. They are pleased to have partnered with the City for many years and supporting public education, and their involvement in the education foundation is personal and gives him pleasure as Chairman of the Board to make sure that they continue that involvement and partnership with the City in the Baccalaureate Program. He introduced his team, from the Miami Beach Chamber of Commerce's Education Foundation that goes under the Pillar's Trustees Board, Madeleine Romanello, Chair, Mirielle Enlow, Pillar Trustee Vice-Chair, Alfredo Gonzalez, Vice-Chair, and Erin Hendrix, LSN Partners.

Madeline Romanello, Pillar Trustee Chair, Education Foundation, presented a check for \$10,000 towards the cost to the Baccalaureate program, on behalf of the Board. She listed some of the other project the foundation supports is the luncheon to recognize the Teacher of the Year award for each of the eight Miami Beach schools; they also provide college scholarships to Miami Beach Senior High students. The foundation founded 20 new projects this school year and there was an exciting event on Dade Boulevard. They were responsible for building a coalition of support to provide a nurse and healthcare services to North Beach Elementary, Treasure Island Elementary and Ruth K. Broad Schools. She thanked the City Commission for being good partners.

Mayor Levine expressed his gratitude. He added that there was a recent issue regarding where an applicant to the Chamber of Commerce had been rejected as a member, and he wanted to understand what will be happening in the future.

Michael Goldberg, Chairman of the Board, explained the process, stating that as they sign up new members throughout the month, it is a provisional membership. Pursuant to the by-laws, all new members have to be approved by the executive board at the following month's meeting. In addition, just for definition purposes, they have a Board of Governors of 70 people, and the executive board is 20 of those Board of Governors that are carved out. So they had Baptist on the slate to be presented at their meeting, there was some discussion and it requires a majority vote to be approved at the Executive Board. It did not receive the number of votes needed to proceed at that time. Now, per the by-laws, there is an additional process to go through where it can go before the full Board of Governors at the following month's meeting, which would be April 7, 2015. As the Chairman, he directed Jerry Libbin to schedule a special Board meeting, with a five-day notice; they are having that meeting tomorrow at 5:00 pm, and he is comfortable that they will put this issue to rest.

Vice-Mayor Wolfson stated that anyone that believes strongly in free commerce thinks this is important to get this decision right, and by Mr. Goldberg has acted honorably by coming before this Commission and making this representation.

Jerry Libbin, President and CEO, Miami Beach Chamber of Commerce, stated that as Madeleine referenced in her comments, the Chamber built a coalition of about 50 organizations and 5 municipalities with Miami Beach leading the way to build support to provide three schools in the Miami Beach feeder pattern to have a nurse. This is an equivalent of \$8,000 services to the children in the school. He explained the contributions made by Miami Beach and other municipalities, and added that in total, this year there was support in the amount of \$33,001, and they were able to get all the services provided. The Children's Trust has now agreed to fund all eight schools in the Miami Beach feeder pattern for three more years, as long as the coalition stays together and each collectively contributes \$40,000. This may not be in the letter, but this is the expectation. They ask the City Commission to work with Dr. Rosenfeld to continue providing these essential services.

Handouts or Reference Materials:

1. Note from Madeleine Romanello

R10 - City Attorney Reports

R10A City Attorney's Status Report.

(City Attorney Office)

ACTION: Report given.

Reports and Informational Items

1. Reports and Informational Items (see LTC 094-2014):
2. List of Projects Covered by the Cone of Silence Ordinance - LTC.
(Procurement)
3. Report From Commission Committees Of Withdrawn Items Not Heard Within (6) Six Months From Their Referral Date.
(Office of the City Clerk)

End of Regular Agenda

**Miami Beach Redevelopment Agency
City Hall, Commission Chambers, 3rd Floor, 1700 Convention Center Drive
March 11, 2015**

Chairperson of the Board Philip Levine
Member of the Board Michael Grieco
Member of the Board Joy Malakoff
Member of the Board Micky Steinberg
Member of the Board Edward L. Tobin
Member of the Board Deede Weithorn
Member of the Board Jonah Wolfson
Member of the Board Miami-Dade County Commissioner Bruno A. Barreiro

Executive Director Jimmy L. Morales
Assistant Director Kathie G. Brooks
General Counsel Raul J. Aguila
Secretary Rafael E. Granado

AGENDA

Rafael E. Granado, City Clerk, announced that all members of the Redevelopment Agency are present except for County Commissioner Barreiro.

2:09:14 p.m.

1. NEW BUSINESS

- A A Resolution Of The Chairperson And Members Of The Miami Beach Redevelopment Agency (RDA), Accepting The Recommendations Of The Finance And Citywide Projects Committee, And Approving And Authorizing The RDA To Enter Into A Lease Agreement Between The Miami Beach Redevelopment Agency (Landlord) And ArtConnection International, Inc. (Tenant), In Connection With The Use Of Suite No. 6 At The Anchor Shops, Located At 100 16th Street, Suite No. 6, Miami Beach, Florida (Space), For A Term Commencing On November 12, 2015 And Ending On November 11, 2025.
(Tourism, Culture & Economic Development)

ACTION: RDA Resolution No. 612-2015 adopted as amended. Title of the RDA Resolution read into the record. Motion made by Board Member Wolfson; seconded by Board Member Malakoff; Voice vote: 7-0. Absent: County Commissioner Bruno Barreiro.
Max Sklar to handle.

Amendments:

Add 3% or CPI, whichever is greater.

Reassess rent after five years, with a buyout provision for a nominal amount, and make this a standard clause in every agreement.

Office of the City Attorney to handle amendments..

Max Sklar, Tourism, Culture and Economic Development Director, explained this is a lease at Anchor Shops for 721 square feet. The tenant, ArtConnection, has been a tenant in that space for 11 years and wishes to continue in the space. They have renegotiated the new lease with a base rent of \$65 per square foot with annual 3% increases. This item went to the Finance and Citywide Projects Committee on February 2, 2015 and they recommended that they move forward with this lease, but for a one-term of nine (9) years 364 days, instead of the two terms, which was a five-year initial term and an additional renewal of four years and 364 days. However, their recommendation also included a reassessment of rent after the 5th year that would increase to the prevailing rate but no less than 3% more than the rate at the end of the 5th year.

Discussion held regarding renewal of the lease, reassessment and annual percentage increases.

Mr. Sklar stated that tenant has to get a foreign investor visa and requested a term of 9 years 364 days with 3% annual increase.

Vice-Mayor Wolfson stated that they gave the tenant what he needed to get his residency, but they also gave the City a reassessment of rent.

Discussion held.

Commissioner Weithorn had concerns regarding having a tenant with a lease that is not the same as what they have been doing for everyone else.

Mayor Levine suggested a clause adding 3% or CPI, whichever is greater.

Vice-Mayor Wolfson suggested adding a provision that if the City repositions the building for another use, that the City does not suffer damages.

Discussion continued.

Commissioner Weithorn requested that after five years, they reassess rent and will have a buyout provision for a nominal amount. They need to make it look like all other leases without tying their hands.

Discussion continued.

Raul J. Aguila, City Attorney, asked if the City Commission wishes to make this a standard clause in every agreement and there was consensus to do this. **Office of the City Attorney to handle.**

Meeting adjourned at 3:39:18 p.m.